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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

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*Please note: If the state holiday falls on a Monday, the deadline will be 12 noon on Tuesday (the next day).

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers:
- | | |
|---------|-----------|
| 121.7 | Amendment |
| 121.22 | Amendment |
| 121.57 | Amendment |
| 121.60 | Amendment |
| 121.61 | Amendment |
| 121.63 | Amendment |
| 121.64 | Amendment |
| 121.120 | Amendment |

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments implement a number of changes in the Food Stamp Program. These changes are being made to incorporate into the rules changes mandated by federal Food Stamp regulations. The changes are as follows:

Expedited Service

A change is being made in the provisions for expedited service which provides that food stamp units applying for recertification between the 15th and the last day of the last month of their current certification period will not be entitled to expedited service.

Social Security Numbers

A change is also being made in the Social Security provisions so that clients will no longer be required to immediately apply for a Social Security Number for a newborn. These proposed amendments establish that clients will have a longer period of time to provide verification of application for a Social Security Number (SSN) for a newborn. Food stamp unit with a newborn will have until their next recertification or six months from the date of the infant's birth, whichever is later, to submit proof of application for a SSN for the infant.

Assets

Pursuant to provisions of the Mickey Leland Childhood Hunger Relief Act, the value of prepaid funeral agreements over \$1500.00 per person will be considered.

Gross and Net Monthly Income Eligibility Standards and Benefit Amounts

DEPARTMENT OF HUMAN SERVICES

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These proposed amendments increase the Gross and Net Monthly Income Eligibility Standards and the Food Stamp Benefit Amounts.

Recertification of Eligibility

In order to incorporate into the rules clarification of federal food stamp policy, this rulemaking establishes that the application of food stamp unit who files a request for recertification but fails to appear for a scheduled interview or provide requested verifications within 10 calendar days will be denied. If a food stamp unit requests an interview or provides requested verification within 30 days from the date of its recertification application, the application will be reopened. If the unit is found eligible, the local office will provide the unit benefits within 30 calendar days from the date of application or 10 calendar days from the date the interview is completed or the verification is provided, whichever is later. A food stamp unit will not receive benefits for a subsequent approval period before the end of its current approval period. In addition, this rulemaking provides that if a recertification application is pending and uninterrupted benefits cannot be provided due to the 10-day verification standard, then the local office must provide benefits within five working days after the date the household provides the verification.

Air Conditioning/Heating Standard and Electricity Standard Allowances

These proposed amendments replace the standard utility allowance with the air conditioning/heating standard allowance and the electricity standard allowance. Federal food stamp regulations allow states to develop utility standards for use in calculating food stamp benefits. Currently, those food stamp households that are billed for heating or air conditioning, or both, separately from their rent or mortgage may claim the standard utility allowance. The standard utility allowance is used in determining the household's eligibility for food stamps and the level of benefits.

The USDA Food and Nutrition Services (FNS) has recently approved the use of a second utility standard (i.e., the electricity standard allowance) for those food stamp households that are billed for electricity but are not billed for heating or air conditioning. These proposed amendments replace the standard utility allowance with the air conditioning/heating standard allowance and the electricity standard allowance. The air conditioning/heating standard allowance of \$211.00 will be used for those households that are billed for heating or air conditioning, or both. The electricity standard allowance of \$147.00 will be used for those households that are not billed for air conditioning or heating but are billed for electricity.

This rulemaking establishes that if a household qualifies for use of one of the utility standards, the amount of the household's actual utility

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

expenses which may be in excess of the standard allowance amount will not be allowed. Use of the electricity standard allowance and the air conditioning/heating standard allowance will result in an increase in food stamp benefits for those clients whose actual utility expenses are less than the standard allowance amounts. However, use of the appropriate standard allowance amount will result in a decrease in food stamp benefits for those clients who have been claiming actual utility expenses in excess of the standard allowance amounts.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
121.105	Amendment	22 Ill. Reg. 11671
121.105	Emergency	22 Ill. Reg. 12167
121.160	Amendment	22 Ill. Reg. 9654
121.162	Amendment	22 Ill. Reg. 9654
121.164	Amendment	22 Ill. Reg. 9654
121.177	New Section	22 Ill. Reg. 9654
121.179	New Section	22 Ill. Reg. 9654
121.182	Amendment	22 Ill. Reg. 8258
121.184	Amendment	22 Ill. Reg. 9654
121.188	Amendment	22 Ill. Reg. 9654
121.220	Amendment	22 Ill. Reg. 9654
121.225	New Section	22 Ill. Reg. 9654
121.226	New Section	22 Ill. Reg. 9654

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register* to:

Mrs. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

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- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: January 1998

The full text of Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
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AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment

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at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 reclassified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective

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October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; reclassified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: APPLICATION PROCEDURES

Section 121.7 Expedited Service

- a) Households in need of immediate food assistance shall be provided expedited service if the household:
- 1) has liquid assets (such as, cash on hand, checking or savings accounts) of no more than \$100, and has gross monthly income for the fiscal month of application of less than \$150; or
 - 2) has liquid assets of no more than \$100, and contains a migrant or seasonal farmworker who is destitute. A migrant or seasonal farmworker household meeting one of the following criteria is considered destitute:
 - A) Migrant or seasonal farmworker households whose only income for the fiscal month of application was received prior to the date of application and was from a terminated source are

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considered destitute.

- i) Income is considered as coming from a terminated source if it is received monthly or more frequently and will not be received again from the same source during the fiscal month of application or during the month following application, or it is normally received less often than monthly and will not be received in the month the next payment is normally received.
- ii) A household member who changes jobs but continues to work for the same employer is considered as still receiving income from the same source.
- iii) Migrant households which have received their last wages from a grower, food processor, livestock, nursery or other employer are considered destitute.

B) Income from a New Source

- i) Migrant or seasonal farmworker households whose only income, for the fiscal month in which the application is filed, is from a new source are considered destitute if income or more than \$25-00 will not be received from the new source by the 10th calendar day following the date of application.
- ii) Income is considered as coming from a new source if it is normally received on a monthly basis or more frequently and more than \$25-00 has not been received from the source within 30 days prior to the date the application was filed, or it is normally received less often than monthly and income of more than \$25-00 was not received within the last normal interval between regular payments.

C) Households may receive income from a terminated source prior to the date of application and income from a new source after the date of application. Such households may be considered destitute if they receive no other income in the fiscal month of application and income of more than \$25-00 from the new source will not be received by the 10th calendar day after the date of initial application.

D) The receipt of a wage advance for the travel costs of a new employee does not affect the determination of whether subsequent payments from the employer are from a new source of income or whether a household is to be considered destitute.

3) has combined gross monthly income and liquid resources which are less than the household's monthly rent or mortgage and utility costs.

b) A household may be entitled to expedited service but factors of eligibility (see subsection 121-7(e) of this Section) may make the household ineligible to receive food stamp benefits or eligible for an

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amount less than the maximum monthly benefit amount for the household size.

c) If a household is not entitled to expedited service, the Department will continue to process the application using the regular application procedures (found at Section 121.2). The application will only be denied if the household is ineligible under regular processing standards.

d) Processing Time Standard

1) The first day of the time standard is the calendar day following the day the signed application was filed. The date of application is the day the signed application is received in the correct local office.

2) The Department shall process applications for eligible households entitled to expedited service within the following processing time standards:

A) If entitlement for expedited service is discovered at the date of application, benefits shall be made available to the household no later than the fifth calendar day following the date of application.

B) If entitlement to expedited service is discovered during normal processing of the application, benefits shall be made available no later than the fifth calendar day following the day entitlement to expedited service was discovered.

e) Households entitled to expedited service shall be interviewed no later than the work day following the date of application. Households entitled to expedited service are given an interview appointment on the day the signed application is filed. If the applicant fails to appear for the scheduled interview, the time frame for expedited service no longer applies (see Section 121.2 for the time limitations of the disposition of an application). The applicant's application will be processed using the regular processing standards found at Section 121.2.

f) When a migrant household is entitled to expedited service and a two-month certification period is assigned, the Department shall authorize the second month's benefits without requiring verification which must be obtained from another state. However, the out-of-state verification must be obtained before additional benefits will be authorized in a new certification period. Migrant households shall be entitled to postpone out-of-state verifications for a second month only once each season.

g) Prior to certification for expedited service, only the applicant's identity (for example, driver's license and voter registration card) must be verified. Income (for example, pay stubs), liquid assets (for example, checking and savings account statement) and residency (for example, driver's license and voter registration card) shall be verified if verification will not cause benefits to be delayed.

h) Food stamp units applying for recertification between the 15th and the last day of the last month of their current certification period are

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not entitled to expedited service.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.22 Social Security Numbers

- a) With the exception of categorically eligible households and households entitled to expedited service, all members of the food stamp household must furnish to the Department social security numbers (SSNs) or provide proof of application for a SSN.
- b) Households entitled to expedited services are asked to provide a SSN or provide proof of application for a SSN prior to the authorization of the household's first month of benefits. If the household member or members do not have one prior to the authorization of the next month's issuance, the member or members shall be allowed to participate for the full month while awaiting receipt of the SSN. The provisions of (c), (e), (f), and (g) and (h) of this Section are applicable to households entitled to expedited service. However, verification of the SSN is not required prior to certification or expedited service.
- c) If more than one social security number has been assigned to any individual, all numbers must be furnished. If a social security number cannot be furnished either because a social security number has not been issued or is not known, application must be made for a social security number.
- d) For regular application processing and when a new member is added, household members that have applied for a SSN are allowed to participate for one full month of benefits. If the initial month of benefits is prorated, the household member may participate for the initial month of prorated benefits and the first full month of benefits. If the SSN is not received by the end of the household member's first full month of participation, the household member is disqualified unless good cause exists. See subsections Sections 121-22 (f) and (g) and (h) for good cause definition.
- e) Foodstamp units with a newborn have until their next recertification or six months from the date of the infant's birth, whichever is later, to submit proof of application for a SSN for the infant.
- f) A household member who refuses to furnish the social security number to the Department, refuses to allow verification such as a social security card or W-2 Form or refuses to apply for a social security number is ineligible to participate in the food stamp program until the requirement is met.
- g) Good cause for failure to provide a SSN exists if the household member can provide documentary evidence that the household member has applied for the number and made every effort to supply the Social

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Security Administration (SSA) with any necessary information such as a birth certificate. If the household does show good cause, benefits are allowed pending receipt of the SSN card for the next full month of the certification period or for a new member for the second month following his or her addition to the household. The household member will be requested to apply for the SSN through the Department.

- h) A household member who has provided any needed information will not be disqualified if the SSN is not received from the Social Security Administration within the prescribed time limits.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.57 Assets

- a) The value of nonexempt assets shall be considered in determining eligibility.
- b) Value of Nonexempt Assets
 - 1) The value of nonexempt assets is the equity value (fair market value less the amount owed), except for licensed vehicles and prepaid funeral agreements valued over \$1500.
 - 2) The Department considers the following assets in determining eligibility:
 - A) Liquid Assets
 - i) Liquid assets are those properties in the form of cash or other financial instruments which are convertible to cash, such as, but not limited to, cash on hand, money, in checking or savings accounts, credit union accounts, savings certificates, stocks or bonds, lump-sum payments, prepaid funeral agreements, IRAs, IRAs and Keogh Plans that do not involve a contractual relationship with someone who is not a member of the same food stamp household.
 - ii) The amount of the Keogh Plan or IRA to be counted as an asset is the total value minus any amount that would be lost for early withdrawal. The amount considered is the amount the individual would receive if the account were closed. An individual (one-person) Keogh Plan is the nonexempt asset. However, the Keogh Plan involving a household member and someone who is not a member of the same food stamp household is exempt unless the client can make withdrawals from the account without affecting the other individual or individuals.
 - B) Nonliquid Assets
 - i) Nonliquid assets are those properties which are not in the

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Each additional member..... 227 +219
Derived from Office of Management and Budget non-farm, income
poverty guidelines.

(Source: Amended at 22 Ill. Reg. _____, effective
_____)

Section 121.61 Gross Monthly Income Eligibility Standards

- a) Gross Monthly Income Eligibility Standards
- 1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(1990)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) (1990)). To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.
- H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a non-service-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
- I) A member receives federal, State state, or local government disability pension and is considered permanently disabled under Social Security requirements.

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form of cash or other financial instruments, such as personal property, licensed vehicles, unlicensed vehicles, buildings, land, recreational properties, and any other property not specifically exempted in Section 121.58.

- C) Assets of Sponsors of Aliens
Consider the assets of the sponsor and the sponsor's spouse who sponsored an alien on or after February 1, 1983 (7 CFR 272.1(g)(54)(1984)) in accordance with Section 121.55.

- D) Licensed Vehicles

- i) The Department shall consider the fair market value of a licensed vehicle in excess of \$4650 unless exempted as stated in Section 121.58.
- ii) The Department shall consider the equity value of a licensed vehicle unless exempted as stated in Section 121.58.
- iii) If both equity value and excess fair market value are considered, the Department shall use the value which is greater.
- iv) The Department shall assign fair market values of licensed vehicles determined by the value of those vehicles as listed in the National Automobile Dealers Association (NADA) Used Car Guide (1984). The fair market values shall be updated every six months.

- E) Prepaid Funeral Agreements
The value of prepaid funeral agreements over \$1500 per person is considered.

(Source: Amended at 22 Ill. Reg. _____, effective
_____)

SUBPART D: ELIGIBILITY STANDARDS
Section 121.60 Net Monthly Income Eligibility Standards

- a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned food stamp benefits based on the net monthly food stamp income.
- b) The maximum net monthly income standards are:

Household Size	Amount
1.....	\$ 658 645
2.....	885 864
3.....	1,111 17002
4.....	1,338 17300
5.....	1,565 17519
6.....	1,791 17737
7.....	2,018 17955
8.....	2,245 17174

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- J) A member receives Railroad Retirement disability benefits.
 K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
 L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.
- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under of the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).

b) Household Size

Gross Income

One Person	\$ 855 099
Two Persons	1,150 17223
Three Persons	1,445 17407
Four Persons	1,739 17690
Five Persons	2,034 17974
Six Persons	2,329 27250
Seven Persons	2,623 27542
Eight Persons	2,918 27096
Each Additional Member	+ 295 204

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 121.63 Deductions From Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
 b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
 c) Standard Deduction. The standard deduction is \$134-00 per household per month.

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d) Dependent Care Deduction

- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$160-00 per month for each dependent household member.

e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

f) Shelter Costs Deduction

- 1) The shelter deduction is the amount of shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (b), (c) and (d) of this Section have been made. The shelter deduction shall not exceed \$250.00.
 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (1990) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 3) Households in which all members are homeless, but are not receiving free shelter throughout the month, are entitled to a \$143.00 per month homeless shelter costs deduction. Homeless households with shelter costs which exceed the homeless shelter costs deduction are allowed to claim the higher shelter costs, if these costs are verified. Homeless households which receive free housing and utilities throughout the month are not entitled to the homeless shelter costs deduction.
 4) Shelter costs include only the following:
 A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 B) property taxes, State and local assessments and insurance on the structure itself; and
 C) utility costs, as described in subsection (gf) of this Section.
 5) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 A) the household intends to return to the home;
 B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 C) the home is not leased or rented during the absence of the household.
 6) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or

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public relief agencies, insurance companies or any other source.

9) Utility Costs

- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$27.00; and
 - C) fees charged by the utility provider for initial installation.

2) Utility deposits are not considered to be utility costs.

- 3) Those households that which are billed for heating or air conditioning, or both, must use the air conditioning/heating standard allowance of \$211. Those households that are not billed for air conditioning or heating but are billed for electricity must use the electricity standard allowance of \$147. ~~separately from the rent or mortgage may claim the standard utility allowance of \$209.00.~~ Households living in rental housing who are billed on a regular basis by a landlord for costs for heating or air conditioning, heating, or electricity must use the appropriate standard, or both, may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating or air conditioning or both is separate and identifiable. If the air conditioning/heating standard allowance or the electricity standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs are allowed because the household does not qualify for either standard exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27.00 per month is allowed. ~~The client may switch between the standard utility allowance and actual utility costs only at re-certification.~~
- 4) ~~A household during the heating or cooling season a household that is billed less often than monthly for its costs for heating, or air conditioning, or electricity must both, but is otherwise eligible to use the standard utility allowance may continue to use the air conditioning/heating standard allowance or electricity standard utility allowance, whichever is appropriate, between billing months.~~

- 5) Households in public housing or privately-owned rental units that which receive a bill for over-usage are not entitled to use the air conditioning/heating standard allowance or the electricity standard standard utility allowance. When households (as defined at 7 CFR 273.11(a) (1990)) live together, the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate, standard utility allowance shall be divided equally among the households that

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contribute toward the utility costs whether or not each household participates in the program.

- 6) Households whose expense for heat or electricity air conditioning, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate standard utility allowance (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity air conditioning, or both, are covered by indirect energy assistance payments.
- 7) Those households that which are not billed separately for either heat, or air conditioning, or electricity are not entitled to claim either the air conditioning/heating standard utility allowance or the electricity standard allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$27.00 per month limitation for telephone expense.
- 8) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households that which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 121.64 Food Stamp Benefit Amount

- a) The monthly food stamp benefit amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly food stamp benefit amount.

- b) Maximum Monthly Food Stamp Benefit Amount:

Household size

1.....	\$122 120
2.....	\$224 220
3.....	\$321 315
4.....	\$408 400
5.....	\$485 475
6.....	\$582 570
7.....	\$643 630
8.....	\$735 720
Each Additional Member	+ \$92 90

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- c) All one and two-person households will receive a minimum monthly food stamp benefit amount of \$10.00
- d) September Food Stamp Benefit Amount Adjustment
- The annual revisions of maximum gross and net income standards, standard deduction, maximum excess shelter deduction and food stamp benefit amounts are effective October 1st of each year. Because the September fiscal month of certain households includes days which fall in the October calendar month, the portion of the September fiscal food stamp benefit amount covering October 1st and later must be increased to reflect the new standards.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.120 Recertification of Eligibility

- a) A recertification of food stamp eligibility and basis of issuance for an assistance household is to be made at each redetermination of the assistance case. However, a recertification is not required at a semi-annual redetermination.
- b) A review of food stamp eligibility and basis of issuance for non-assistance household shall be made prior to the end of each certification period in which they are receiving food stamp benefits.
- c) Recertification involves the completion of an application or Request, an interview, a review of eligibility and cooperation in the verification of eligibility. The local office shall provide the household with an opportunity to participate in its normal issuance cycle.
- d) In order to receive uninterrupted benefits, the household must:
- 1) file a timely application or Request for recertification;
 - A) households certified for more than two months must file an application by the 15th calendar day of the last month of the certification period.
 - B) households certified for one or two months must file an application within 17 calendar days from the date of Notice of Eligibility/Expiration of Certification.
 - 2) appear for the interview that is scheduled after the application is timely filed; and
 - 3) provide all requested verifications within ten calendar days after of the date the verification was requested.
- e) The household is responsible for requesting another interview if it fails to appear for the interview that was scheduled after the application was filed.
- f) The application of a food stamp unit who files a request for recertification but fails to appear for a scheduled interview or provide requested verifications within ten calendar days is denied.

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- 1) If a food stamp unit requests an interview or provides requested verification within 30 days from the date of its recertification application, the application must be reopened.
- 2) If the unit is found eligible, the local office must provide the unit benefits within 30 calendar days from the date of application or 10 calendar days from the date the interview is completed or the verification is provided, whichever is later. A food stamp unit shall not receive benefits for a subsequent approval period before the end of its current approval period.

g) Amount of food stamp benefits

- 1) Except as provided in subsection (gf)(2) of this Section, households that file the application for recertification after the last day of the previous certification period, shall have benefits prorated from the date that the application was filed. Households that are certified for one or two months will not have benefits prorated if the application is filed within 17 calendar days of the date of Notice of Eligibility/Expiration of Certification.
 - 2) Migrant and seasonal farmworker households shall receive a full allotment for the month of application if the household participated in the Food Stamp Program within 30 days prior to the date of application.
- h) If a recertification application is pending and uninterrupted benefits cannot be provided due to the ten day verification standard, then the local office must provide benefits within five working days after the date the household provides the verification.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1 Heading of the Part: Temporary Assistance for Needy Families2) Code Citation: 89 Ill. Adm. Code 1123) Section Numbers:

<u>Section Numbers:</u>	<u>Proposed Action:</u>
112.1	Amendment
112.9	Amendment
112.70	Amendment
112.72	Amendment
112.74	Amendment
112.78	Amendment
112.79	Amendment
112.80	Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13], 42 USC 607 and Section 407(c)(1)(A) and (B) of P.L. 104-193.5) A Complete Description of the Subjects and Issues involved:Section 112.1

These proposed amendments revise the number of hours required to stop the 60-month clock for TANF recipients. This change is being made to coordinate State funding of TANF cash benefits with the federal TANF work requirement. This rulemaking will allow the Department to provide assistance from State-only funds to those individuals working the required number of hours as federally mandated for work participation. This change is intended to reward and encourage work while motivating clients to become self-sufficient. In addition, this change will enable staff to inform clients of the work requirement for periods beyond the current year.

These proposed amendments establish that as the federal work requirement increases each federal fiscal year, category 04 clients must work more hours to avoid the federal lifetime limit and TANF category 06 clients will have a one-time increase from 20 to 35 hours per week. The federal TANF work requirement is as follows:

1. For Category 06 (two parent) cases - 35 hours per week in FFY 1999 and after
2. For Category 04 cases - 20 hours per week in FFY 1998, 25 hours per week in FFY 1999, 30 hours per week in FFY 2000 and after

As a result of these proposed amendments, months in which the family has reported weekly hours of employment equal to or greater than the federal

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TANF work requirement will not count toward the 60-month limit.

Section 112.9

These amendments are being proposed in support of the goal of moving TANF clients towards financial independence by encouraging them to find employment. These changes reflect the temporary nature of TANF by requiring TANF applicants to take steps to seek or maintain employment and to move toward self-sufficiency.

This rulemaking establishes that, as a condition of eligibility, clients must cooperate by engaging in activities that will result in employment. This requirement pertains to cash assistance only. Individuals with a recent work history or who have adequate skills to immediately pursue employment, will be required to seek employment. In addition, applicants who are not employment ready will be required to participate in education/training activities that will enable them to become work ready. Applicants who are teen parents that do not have a high school diploma or GED, will be required to enroll in school or in a GED program. TANF applicants who quit working during the application process will not be eligible for cash assistance.

These proposed amendments also change the time period, during the application process, for the client to provide information from a 10-day period to a reasonable period. This change is being made in order to provide flexibility to the client and the worker and so that the decision process is not delayed.

Sections 112.70, 112.72, 112.74, 112.78, 112.79 and 112.80

These proposed amendments make a number of changes to the Department's TANF Employment and Work Activity Requirements. Many of the changes are technical in nature, cleaning up the language to conform to the new TANF program rather than the old AFDC program. However, there are some significant changes which should be highlighted.

1. There are no longer "volunteers". While some people remain "exempt" from actual work activities, all clients will have a Responsibility and Services Plan and will be engaged in some activities.
2. Current rules are clarified to make it clear that a referral to participate in employment and work activities or failure to appear for an assessment interview will result in ineligibility rather than a sanction.
3. Clarification is made that Representative Payees need not create a Responsibility and Services Plan.

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4. Clarification is made that clients may be assigned to Job Search activities and sent on job referrals prior to a full Family Assessment.
5. The definition of "job ready" is revised to coincide with the definition required under the "Welfare-to-Work" Program.
6. References to participation in 75% of classes as adequate for education activities is removed. Participation requirements will be measured by satisfactory progress according to the institution.
7. References to "good faith effort" are removed. All such issues will be handled as part of the reconciliation/good cause process.
8. "Unemployed Parents Work Experience" is eliminated as a separate category and subsumed under "Community Work Experience".
9. The "Get a Job Initiative" is being eliminated. This was a demonstration project under AFDC. It no longer need be under TANF. Rather than treat Job Ready clients at intake with children 5-12 years old differently than other clients, these Get a Job clients will also be treated individually and placed into activities appropriate to their situation. The federal waiver will be eliminated.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.52	Amendment	22 Ill. Reg. 11290
112.68	Amendment	22 Ill. Reg. 6024
112.78	Amendment	22 Ill. Reg. 4354
112.79	Amendment	22 Ill. Reg. 6024
112.110	Amendment	22 Ill. Reg. 10987
112.305	Amendment	22 Ill. Reg. 9102
112.310	New Section	22 Ill. Reg. 11683
112.310	New Section	22 Ill. Reg. 12197

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this

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Proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mrs. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
 112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
 112.9 Client Cooperation
 112.10 Citizenship
 112.20 Residence
 112.30 Age
 112.40 Relationship
 112.50 Living Arrangement
 112.52 Social Security Numbers
 112.54 Assignment of Medical Support Rights
 112.60 Basis of Eligibility
 112.61 Death of a Parent (Repealed)
 112.62 Incapacity of a Parent (Repealed)
 112.63 Continued Absence of a Parent (Repealed)
 112.64 Unemployment of the Parent (Repealed)
 112.65 Responsibility and Services Plan
 112.66 Alcohol and Substance Abuse Treatment
 112.67 Restriction in Payment to Households Headed by a Minor Parent
 112.68 School Attendance Initiative
 112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

112.70 Employment and Work Activity Requirements
 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
 112.72 Participation/Cooperation Requirements
 112.73 Adolescent Parent Program (Repealed)
 112.74 Responsibility and Services Plan
 112.75 Teen Parent Personal Responsibility Plan (Repealed)
 112.76 TANF Orientation
 112.77 Reconciliation and Fair Hearings

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TANF Employment and Work Activities

112.78 Sanctions
 112.79 Good Cause for Failure to Comply with TANF Participation Requirements
 112.80 Responsible Relative Eligibility for JOBS (Repealed)
 112.81 Supportive Services
 112.82 Teen Parent Services
 112.83 Work Experience Evaluation Project (Repealed)
 112.84 Four Year College/Vocational Training Demonstration Project
 112.85 (Repealed)

SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance (Repealed)
 112.87 Project Advance Experimental and Control Groups (Repealed)
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.90 Project Advance Sanctions (Repealed)
 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
 112.93 Individuals Exempt From Project Advance (Repealed)
 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump-Sum Payments
 112.128 Protected Income (Repealed)
 112.130 Earned Income
 112.131 Earned Income Tax Credit

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112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Employed Applicants
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.139 Exempt Earned Income
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
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 112.144 Income from Work-Study and Training Programs
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
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 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country on or

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After 8/22/96
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
 112.350 Child Care (Repealed)
 112.352 Child Care Eligibility (Repealed)
 112.354 Qualified Provider (Repealed)
 112.356 Notification of Available Services (Repealed)
 112.358 Participant Rights and Responsibilities (Repealed)
 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 112.364 Rates of Payment for Child Care (Repealed)
 112.366 Method of Providing Child Care (Repealed)
 112.370 Non-JOBS Education and Training Program (Repealed)

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 112.400 Transitional Child Care Eligibility (Repealed)
 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
 112.408 Qualified Child Care Providers (Repealed)
 112.410 Notification of Available Services (Repealed)
 112.412 Participant Rights and Responsibilities (Repealed)
 112.414 Child Care Overpayments and Recoveries (Repealed)
 112.416 Fees for Service for Transitional Child Care (Repealed)
 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill.

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Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at

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7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12550, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987;

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Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16397, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill.

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Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 112.1 Description of the Assistance Program

- a) The program provides temporary assistance for needy families. Clients are limited to 60 months of benefits as an adult. This is a lifetime limit and includes cash benefits received both in Illinois and other states. Months in which the family has reported weekly hours 20-hours of employment equal to or greater than the federal TANF work requirement per-week will not count toward the 60-month limit. Months in which a family head is a teen parent under age 18 will not count toward the 60-month limit. All parents or caretakers must engage in work activities within 24 months or, if earlier, when determined able to work.
- b) The federal TANF work requirement is as follows:
- 1) For Category 06 (two parent) cases - 35 hours per week in FFY 1999 and after;
 - 2) For Category 04 cases - 20 hours per week in FFY 1998, 25 hours

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per week in FFY 1999, 30 hours per week in FFY 2000 and after.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.9 Client Cooperation

a) As a condition of eligibility, clients must cooperate:

- 1) in the determination of eligibility;
- 2) with Department programs conducted for the purposes of acquisition or verification of information upon which eligibility may depend;
- 3) in applying for all financial benefits for which they may qualify and to avail themselves of such benefits at the earliest possible date;

4) by engaging in activities that will result in employment. (This requirement pertains to cash assistance only). Individuals with a recent work history or who have adequate skills to immediately pursue employment must seek employment. Applicants who are not employed must participate in education/training activities that will enable them to become work ready. Applicants who are teen parents that do not have a high school diploma or GED must enroll in school or in a GED program.

b) TANF applicants who quit working during the application process are not eligible for cash assistance.

c) Clients are required to avail themselves of all potential resources.

d) When eligibility cannot be conclusively determined because the individual is unwilling or fails to provide essential information or to consent to verification, the client is ineligible.

e) At screening, applicants shall be informed, in writing, of any information they are to provide at the eligibility interview.

f) At the eligibility interview or at any time during the application process, when the applicant is requested to provide information in his or her possession, the Department will allow a reasonable period ten (10) days for the return of the requested information. The first day of the ten-day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten-day period shall be a work day and is to be indicated on the information request form. If the applicant does not provide the information by the date on the information request form, the application shall be denied on the following work day.

g) At the eligibility interview or at any time during the application process, when the applicant is requested to provide third party information, the Department shall allow a reasonable period ten (10) days for the return of the requested information or for verification that the third party information has been requested. The first day of

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the ten-day period is the calendar day following the date the information request form is sent or given to the applicant. The last day of the ten-day period shall be a work day and is to be indicated on the information request form. It is to be indicated on the information request form that the applicant shall provide written verification of the request for the third party information. If the applicant does not provide the information or the verification that the information was requested by the date on the information request form, the application shall be denied on the following work day.

1) Third party information is defined as information which must be provided by someone other than the applicant. An authorized representative or person applying on another's behalf is not a third party but is treated as if he were the applicant.

2) The Department shall advise clients of the need to provide written verification of third party information requests and the consequences of failing to provide such verification.

3) If the applicant requests an extension, either verbally or in writing, in order to obtain third party information and provides written verification of the request for the third party information such as a copy of the request that was sent to the third party, an extension of ninety (90) days from the date of application shall be granted. The first day of the ninety-day period is the calendar day following the date of application. The 90th day must be a work day.

4) If an applicant's attempt to obtain third party information is unsuccessful, upon the applicant's request the Department will assist in securing evidence to support the client's eligibility for assistance.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.70 Employment and Work Activity Requirements

Sections 112.70 through 112.83 describe the employment and work activity requirements for TANF clients and clients receiving family assistance from State funds only. The purpose of TANF is to provide temporary assistance to needy individuals and families and assist them in obtaining education, training and employment to help avoid long-term welfare dependence. The TANF Program will focus on enhancing the long-term employability of TANF clients by assessing the individual capabilities of each participant, using the Family Assessment to create a Responsibility and Services Plan to match the participant to a suitable activity and employment goal. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and/or work skills needed to meet the demands of the current labor market as well as in the future and to become self-sufficient.

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After 24 months of TANF receipt, participants will be working or participating in a work activity as specified in the Responsibility and Services plan in order to remain eligible for TANF. Work activities are appropriate activities to remove barriers to successful employment and to prepare TANF participants to achieve progress toward self-sufficiency. The level of TANF employment or work activities in the State as a whole and in different counties of the State may vary depending upon available resources. Program services may be provided directly by the Department or through contract. References to the Department or staff of the Department shall include contractors when the Department has entered into contracts for program services. In areas where the Department has contracted with community colleges, the program is called Opportunities. References to TANF and TANF participants shall include Opportunities and Opportunities participants.

- a7 Both-exempt-and-nonexempt-individuals-receiving-TANF-may-participate in-education-and/or-work-activities-when-State-resources-permit-Nonexempt-individuals-receiving-TANF-are-required-to-participate-in-education-and/or-work-activities-only-to-the-extent-there-are-resources-available-Participation-in-education-and/or-work-activities-may-be-mandated-for-nonexempt-individuals-Minimally-one parent-in-a-two-parent-household-will-be-required-to-participate-in-a work-and/or-work-activity-or-other-appropriate-activity-Participation may-be-limited-based-on-activity-cost-or-unavailable-funds-for-supportive-services-for-participating-individuals
- b7 Education-and/or-work-activities-services-will-also-be-offered-to individuals-who-are-exempt-and-volunteer-to-participate-to-the-extent resources-allow-Exempt-individuals-who-volunteer-to-participate become-a-program-participant-when-assigned-to-an-activity-Participation-may-be-limited-for-volunteers-if-State-resources-are insufficient-Nonexempt-individuals-who-are-mandated-to-participate but-fail-to-participate-without-good-cause-will-be-sanctioned

c7

In addition to work activities described in Section 112.78, work activities for TANF participants may also include:

- a1 a program in accordance with a plan developed with a provider of domestic violence services;
- b2 a program to treat alcohol or drug abuse in accordance with the Responsibility and Services Plan;
- c3 a program to treat mental health disorders in accordance with the Responsibility and Services Plan;
- d4 participation for-at-least-20-hours-per-week in VISTA, Job Corps, some paid JTPA programs, or work study for cash or financial credit for education expenses;
- e5 self-employment and micro enterprise activities in accordance with the Responsibility and Services Plan; and
- f6 foster parenting consistent with the Responsibility and Services Plan.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 112.72 Participation/Cooperation Requirements

a) An individual is required to participate in a TANF employment or work activity by:

- 1) Cooperating with TANF requirements. Cooperation with TANF is defined as providing requested information about employment history and capabilities, appearing for scheduled meetings, participating in assessments and complying with the requirements of the TANF activities identified in Section 112.78.
- 2) Responding, timely, to a job referral of suitable employment (that is, a written statement referring a participant to an employer for a specific position).
- 3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:

A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security;

B) there are no questions as to the individual's ability inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and

C) there are no questions of working conditions, such as risks to health, safety or lack of worker's compensation protection or lack of other workplace rights due TANF recipients according to the U.S. Department of Labor.

4) Department employment referrals are deemed suitable if they meet the following criteria:

- A) Wages offered must be at least the greater of:
 - i) the federal minimum wage; or
 - ii) the State minimum wage.
- B) Subminimum training wages offered must be at least the greater of:
 - i) the federal subminimum training wage; or
 - ii) the State subminimum training wage.
- C) If the wages are offered on a piece-rate basis, wages for a beginner must equal the amount the participant can reasonably be expected to earn as outlined in subsection(a)(4)(A) of this Section.
- D) There is no unreasonable degree of risk to the participant's health and safety.
- E) The participant may not be required as a condition of employment to join, resign from or refrain from joining any legitimate labor organization.

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5) Participants must register and appear for interviews at the Illinois Employment and Training Center (ETC) or Department of Employment Security's Job Service offices when required by a TANF activity.

b) Additionally, participants who are part-time employed must:

- 1) continue their part-time employment; and
- 2) not voluntarily reduce their work hours, unless such reduction is consistent with the next steps in the Responsibility and Services Plan.

c) Failure of an a---nonexempt individual who---is---mandated to participate/cooperate with the TANF employment and work activity requirements listed in this Section, without good cause, will result in sanction as outlined in Section 112.79. Exempt---individuals---who volunteer---to---participate---in---TANF---and---are---assigned---to---an---activity---based on completion of a Family Assessment and a Responsibility and Services Plan---will---be---sanctioned---if---they---thereafter---do---not---meet---the---program requirements---without---good---cause---(see Section 112.79).

d) Failing to achieve certain grades or competency levels or goals in educational, training or work activity shall not constitute failure to participate in TANF but shall be addressed through a review of the Responsibility and Services Plan reassessment requested by the participant or Department.

e) Refusal of an individual to participate in TANF employment and work activities shall make the case ineligible if the person is required to be in the assistance unit. If the individual is not required to be in the assistance unit, that individual shall be ineligible for cash assistance.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 112.74 Responsibility and Services Plan

a) Family Assessment to Develop a Responsibility and Services Plan
1) All individuals shall undergo a Family Assessment to develop a Responsibility and Services Plan. This provision does not apply to individuals acting as Representative Payees for child-only cases.

2) The Family Assessment shall include collection of information on the individual's and family's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes and employment preferences, as well as factors affecting employability or ability to meet participation requirements (for example, eligibility for exemption, health, physical or mental limitations, child care, domestic violence, substance abuse, family circumstances and problems including the need of any child of the individual). As part of the assessment process, individuals and TANF staff shall work together to

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identify any supportive service needs required to enable them to participate in TANF employment or work activities and meet the objectives of their Responsibility and Services Plan (see Section 112.62). The Family Assessment may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments.

3) The Family Assessment and Responsibility and Services Plan must:
A) contain an employment goal of the participant and the steps to achieve it;

B) describe the services to be provided by the agency including child care and other supportive services;

C) describe the activities such as activity assignment that will be undertaken by the participant to achieve the employment goal; and

D) describe any other needs of the family that might be met---by TANF such as participation by a child in drug education or in life skills planning sessions.

4) The Responsibility and Services Plan shall take into account:

A) the participant's supportive service needs;

B) the participant's skills level and aptitudes;

C) local employment opportunities;

D) to the maximum extent possible, the preferences of the participant;

E) final approval of the plan rests with the DHS staff pursuant to TANF program requirements; and

F) the participant will sign and receive a copy of the Responsibility and Services Plan.

b) Occurrence of the Family Assessment and Responsibility and Services Plan

1) The Family Assessment shall take place before a participant is assigned to any employment and work TANF activities, except individuals may be assigned to up to four weeks of Job Search or sent to known job interviews prior to the Family Assessment.

2) The participant will be notified, in writing, of the Family Assessment meeting.

c) During the Family Assessment, the Responsibility and Services Plan will be completed to determine the individual's and family's level of preparation for employment and needed services. Upon initial screening, a determination for job readiness will be based on an individual having a high school diploma/GED, not requiring substance abuse treatment, and having worked more than three consecutive six months in the last 12 calendar months two-years. This determination

needs to be considered in conjunction with other issues such as the individual's barriers, the local labor market, and the work place skill of the client. The preference of the individual will be taken into account in the development of the Responsibility and Services Plan to the maximum extent possible and appropriate. As part of the assessment process, individuals and TANF staff may work together to

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identify any supportive service needs required to enable them to participate in employment and work TAMP and meet the objectives of their Responsibility and Services Plan (see Section 112.82). The assessment process shall include standard literacy testing and a determination of English language proficiency for those who display a potential need for literacy or language services. Literacy level is defined as reading at a 9.0 grade level or above. Based on the Responsibility and Services Plan, the individual will be assigned to the appropriate activity.

d) Review Reassessment

1) A review reassessment will be conducted to assess a participant's progress and to revise review the Responsibility and Services Plan, if needed. The review shall occur at least at the following times:

A) upon completion of a program or activity and before assignment to an activity;

B) upon the request of the participant;

C) if the individual is not cooperating with the requirements of the program;

D) if the individual has failed to make satisfactory progress in an education or training program;

E) upon completion of an academic term;

F) upon referral from DES, IETC, or other entities;

G) every six consecutive months for individuals participating in a Work-Experience activity-work assignment;

H) every six months at a minimum; or

I) at any time deemed appropriate under the plan.

2) The review reassessment may be conducted through various methods: such as interviews, testing, counseling and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.

3) The review A-reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking, the participant may be reassigned to a more appropriate activity.

e) If an exempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process, without good cause, the case is ineligible individual is subject to sanction. If the exempt participant has good cause for failing to appear for the assessment--interview or to comply with the assessment process--a sanction will not apply.

f) TANF employment and work activity participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (for example, child care for a child under age 13).

h) Expenses for transportation and child-care services will be provided

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to enable individuals to attend the assessment meeting if requested. Teen for-teen parents age 19 and under or in high school--the--teen Parent have their own Responsibility and Services Plan defining defines the responsibilities the young parent must meet to receive TANF cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required activities and necessary supportive services. The plan must be signed by both the young parent and the case manager. The plan sets the following goals for the young parent and describes how the Department will help the young parent meet these goals:

- 1) to attend school to complete a high school education;
- 2) to establish paternity for the young parent's child or children and obtain child support;
- 3) to improve the young parent's parenting skills; and
- 4) to seek and obtain full-time employment when job ready.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 112.78 TANF Employment and Work Activities

a) Education (Below Post-Secondary)

Participants who are not working are limited to Adult Basic Education/GED/ESL and short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged. In this activity, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (for example, GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

1) Assignment to Education (Below Post-Secondary)

A) Individuals to be assigned to Education may include but are not limited to individuals:

- i) who do not have a high school degree or equivalent;
 - ii) who have limited English proficiency; and
 - iii) who do not read at or above a 9.0 grade level.
- B) Educational activities may be combined with other activities if it is determined appropriate.

2) Approval criteria for education (Below Post-Secondary)

A) The program selected by the individual must be accredited

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under State law.

- B) The individual's program must be needed for the participant to complete his or her Responsibility and Services Plan.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.
- D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

3) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) ~~The individual must maintain participation of at least 75% of scheduled activities unless there is good cause for missing more.~~

C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:

- i) active participation and pursuit of educational objectives;
- ii) teacher's written remarks;
- iii) grades;
- iv) demonstrated competencies;
- v) classroom exercises; and
- vi) periodic test/retest results.

CB) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

DB) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

EP) Curriculum changes must be made with the prior approval of TANF staff and will be approved when the change is consistent with the Responsibility and Services Plan.

FS) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 124 months except that the individual may continue in the

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education program if he or she also works the required for at least 20 hours each week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.

b) Vocational Training

Vocational Training is designed to increase the individual's ability to obtain and maintain employment. Vocational Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Vocational Training may include certificate programs. Participants who are not working are limited to short-term Vocational Training programs lasting 12 months or less than two years and may be required, in coordination with the education/training schedule, to participate in Job Readiness activities, job skills training, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. A Vocational Training program lasting two years or more is regarded as Post-Secondary Education under this subsection (b).

1) Approval Criteria For Vocational Training

- A) The individual's program must be accredited under requirements of State law.
- B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
- C) Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged if the individual does not have a high school diploma or GED.
- D) The individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.
- F) Clients who are working the required at least 20 hours per week may be approved for education programs, including degree programs, to upgrade their skills consistent with their Personal Responsibility and Services Plan, to the extent resources allow.
- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.
- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's Responsibility and Services Plan upon completion.
- I) When programs of comparable quality are available in more

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than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

J) Vocational Training may be combined with other activities if it is determined appropriate.

K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

2) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

C) The individual must participate the assigned number of hours each week.

D) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

E) Curriculum changes must be made with the prior approval of TANF and will be approved when the change is consistent with the Responsibility and Services Plan.

c) Job Readiness

1) The Job Readiness activities are designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. These activities help individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

2) Assignment to Job Readiness

Job Readiness activities may be combined with other activities if it is determined appropriate.

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3) Participation requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search activity in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").

C) The individual must participate the number of assigned hours each week.

D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

d) Job Search

1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search may include the provision of counseling, job seeking skills, training and information dissemination. Group Job Search may include training in a group session.

2) Assignment to Job Search

A) If assessed as job ready, participants will be assigned to Job Search. If job ready clients are unable to find employment on their own at the end of six months, they will be reassessed and may be placed in a more appropriate activity within six months.

B) Individuals completing education or vocational training or Job Readiness training may be assigned to Job Search.

C) Job Search may be combined with other activities if it is determined appropriate.

3) Participation Requirements

A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable employer contacts in a 30-day period, unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to, the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
- ii) the participant makes less than the required number of

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- acceptable-employer-contacts-but-came-reasonably-close to-the-required-numbers-in-an-effort-to-find-work, iii) the-participant-fails-a-civil-service-or-other employment-screening-test, iv) the-participant-completes-an-application-which-is-not accepted-by-the-employer, v) the-participant's-job-search-performance-indicates that-he-or-she-should-be-in-a-different-TANF-activity, and vi) the-participant-has-less-than-the-required-number-of employer-contacts-based-on-the-lack-of-available-jobs in-the-geographical-area.
- C) Acceptable employer contacts may include but are not limited to:
- i) a face-to-face contact with an employer or the employer's representative;
 - ii) the completion and return of an application to an employer;
 - iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
 - iv) the completion and mailing of a resume with a cover letter to a recognized employer;
 - v) reporting to the union hall for union members verified to be in good standing; or
 - vi) registration with DES/Illinois Employment and Training Center (IETC).

e) Community Work Experience

TANF participants who have not found employment and who need orientation to work, work experience or training are placed on a supervised work assignment to improve their employment skills through actual Work Experience at private or not-for-profit employers, organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) such as enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) for a Federal office or agency with its consent, and, notwithstanding (31 USC 855e 1342) or any other provision of law, such agency may accept such services but such participants shall not be considered to be Federal employees for any purpose.

1) Assignment to Community Work Experience

A) Community Work Experience is for:

- i) participants who will benefit from working for an employer who provides a subsidized employment assignment to improve the individual's opportunity to

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- ii) participants who need experience to prevent deterioration of, or to enhance, existing skills (for example, typing).
- B) Entry into Community Work Experience
- Participants are determined to be appropriate for Community Work Experience activity based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including, but not limited to, the individual's case record and Responsibility and Services Plan).
- C) Community Work Experience Positions
- Participants A-participant shall be assigned to a Community Work Experience position to increase the individual's potential for attaining employment. The date the participants participant are is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.
- Community Work Experience activities may be combined with other activities if it is determined appropriate.
- D) Enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.

2) Participation Requirements

- A) The-hours-of-the-Work-Experience-assignment-may-not-exceed 20-hours-per-week-for-participants-in-single-parent-TANF cases. The hours of the work assignment for a calendar month shall not exceed the family's monthly TANF grant and food stamp allotment received-in-the-fiscal-month-during which-the-assignment-is-made divided by the higher of the State or Federal minimum wage, or-the-rate-of-pay-for individuals-employed-in-the-same-or-similar-occupations-by the-same-employer-at-the-same-site-(as-determined-by-the-Work-Experience-Sponsor-and-the-Department)-(A-fiscal month-is-a-month-that-starts-with-a-given-day-in-one calendar-month-and-ends-with-the-day-before-that-same-given day-in-the-next-calendar-month)-The-position-of-a recipient's aid-for-which-the-State-is-reimbursed-by-a-child support-collection-(except-for-the-550-pass-through)-shall be-excluded-in-determining-the-maximum-number-of-hours-that the-participant-is-required-to-work-in-order-to-provide consistency-for-both-work-assignment-sponsors-and participants-the-required-number-of-hours-will-be-rounded down-to-40-or-00-hours-The-minimum-number-of-hours-that must-be-completed-within-a-calendar-month-is-40-hours-and

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the-maximum-number-of-hours-that-must-be-completed-is--00 hours-

- B) During work assignment, the participant shall be required to perform Job Search activities unless the participant shows good-faith-effort-(see subsection-(d)(3)(B)-of-this-Section-for-the-definition-of "good-faith-effort")-or-participates in an education and training program programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.
- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.
- D) Participants ~~the-individual~~ must participate the number of assigned hours each week.

3) Reassessment

Every six months, the participant's Responsibility and Services Plan will be reassessed. If continuing the work assignment will benefit participants the-participant in terms of furthering work skills (see subsections subsection (e)(1)(A) and (B)), participants the-participant shall be reassigned to the same or another work assignment. In addition, participants the-individual will be assessed for assignment to another TANF activity.

4) Length of Assignment

Participants ~~the-individual~~ must participate in Work Experience for as long as his-or-her the Responsibility and Services Plan reflects the need for this activity.

5) Anti-Displacement

Community Work Experience is subject to the provisions of Section 112.78(g).

f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

1) Assignment to OJT

- A) Job ready individuals may be assigned to OJT.
- B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
- C) Wages to participants in OJT shall not be less than the higher of the State or federal minimum wage.
- D) Wages to participants in OJT are considered earned income.
- E) OJT may be combined with other component activities if it is determined appropriate.
- 2) Participation Requirements

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The individual must participate the assigned number of hours each week.

- 3) Supportive Services
- Participants in OJT receive child care and Medicaid benefits through-the-TANF-program.
- g) Work Supplementation Program
- 1) The Work Supplementation Program develops employment opportunities for TANF recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of the Work Supplementation Program is to obtain jobs for TANF recipients, who might not be hired without a subsidy, with sufficient pay to take them off TANF.

2) Eligible Participants

A) TANF participants who meet the selection criteria listed in subsection (g)(2)(B) of this Section are eligible to participate in the Work Supplementation Program. Participation in the program is voluntary. A TANF recipient who wants to participate in the Work Supplementation Program must agree to all provisions in this Section during the time of participation in the program.

B) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, TANF recipients must meet the following criteria for selection to participate in the Work Supplementation Program:

- i) the recipient must be the parent of at least one of the children in the TANF unit;
- ii) the recipient must have completed the Job Search work activity; and
- iii) the recipient must have no income other than TANF benefits.

C) Recipients identified for employment must be determined eligible for participation by their worker. The worker will recommend for participation in the Work Supplementation program those participants who are likely to encounter difficulty in obtaining employment (for example, lack of skills for which jobs are available in the area, lack of work history).

D) Nothing in this Section should be construed as providing any recipient the right to participate in the program.

3) Benefits and Reporting Requirements While Participating in the Work Supplementation Program

A) Participants in the Work Supplementation Program are considered to be TANF recipients and remain eligible for Medical Assistance for the duration of their Work Supplementation Program participation. Child care, for

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cases that are eligible for a cash grant, will be regarded as employment child care.

- B) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time (30 hours minimum) at the prevailing minimum wage, less applicable payroll taxes.
- C) Participants are required to file quarterly reports as a requirement for continuing eligibility. Changes in income from sources other than the Work Supplementation Program job and/or circumstances must still be reported within five days after occurrence pursuant to 89 Ill. Adm. Code 102.50.
- D) Wages paid under a Work Supplementation Program shall be considered to be earned income for purposes of any provision of law (42 USC 654e 1614(e)(3)).

4) Duration of Program Participation

- A) Participants may not exceed a total of six months in the Work Supplementation Program subsidized placements regardless of the number of times an individual becomes a TANF recipient. The period of a single assignment is dependent upon the terms of the Work Supplementation Program contract that has been developed with the employer. Recipients will be informed of the length of the Work Supplementation Program subsidy period prior to placement.
- B) Participants who leave a supported work position without good cause (as defined in Section 112.80) are removed from the Work Supplementation Program and are subject to sanction.

5) Contracts with Employers

- A) Employers that participate in the Work Supplementation Program must enter into a written contract with the Department prior to receiving referrals.
- B) Employers must be in good standing (that is, in compliance with all applicable federal, State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.
- C) Employers agree to screen clients to hire on their own payroll after six months. Failure to do so will result in the employer being terminated from the program.

6) Calculation of the Diverted Grants

- A) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Work Supplementation Program is made. The effective date of the diverted grant is the first day of the first full month of Work Supplementation Program wages.
- B) Work Supplementation Program participants are eligible only for the earned income budgeting disregards provided in Sections 112.141 and 112.143. The difference between the

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flat grant amount and revised amount is diverted to the wage pool.

- C) The difference between the payment level and the grant the participant receives is diverted and used in whole or in part to pay a wage subsidy to the employer.

7) Program Completion

If the participant is no longer eligible for TANF benefits after the Work Supplementation Program period, a determination of continued medical eligibility shall be made in accordance with Section 112.330.

8) Anti-Displacement

The Work Supplementation Program is subject to the provisions of Section 112.78(g).

h) Post-Secondary Education

Clients who are not working will not be approved for degree programs unless they can complete the program in one year or less. Clients who are working the required at-least-20 hours per week may be approved for post-secondary education programs, including degree programs to upgrade their skills to the extent resources allow. Post-secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 [225 ILCS 410], the Real Estate License Act of 1983 [225 ILCS 455], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State Universities Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690] and the Southern Illinois University Name Change Act [110 ILCS 505].

1) Approval Criteria For Post-Secondary Education

- A) The individual must have a high school diploma or a GED.
- B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate to upgrade skills for current employment.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation or upgrade skills for current employment.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the Responsibility and Services Plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no

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- additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) If needed, the individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's Responsibility and Services Plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department.
- K) When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- L) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree consistent with the Responsibility and Services Plan.
- M) The individual, unless enrolled in a full-time, short-term vocational training program of 12 months or less than two years, must also be employed in unsubsidized work for the required at least 20 hours each week or be participating for the required at least 20 hours per week in one or more of the following paid or unpaid work activities:
- work study;
 - practicums, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;
 - apprenticeships;
 - self-employment; or
 - enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under title I of the 1973 Domestic Volunteer Services Act (41 USC 4951 et seq.).
- N) Individuals who have been continuously enrolled in an approved post-secondary education program prior to July 1, 1997 must comply with the 20 hour per week work requirement by the end of the fall 1997 semester, or the activity will not be approved for the spring 1998 semester.
- O) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in post-secondary education and receive supportive services, if eligible, during the current semester while they seek employment. If the individual has not reentered employment of at least the required 20 hours per week by the end of the current semester, the individual will not continue in post-secondary

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- education and receive supportive services, but will be reassigned to another appropriate activity.
- 2) Participation Requirements
- ~~The individual must maintain participation of at least 75% unless there is good cause for missing more.~~
 - The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.
 - The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.
 - Curriculum changes must be made with the approval of the TANF worker and will be approved when the change is consistent with the Responsibility and Services Plan.
- i) Job Development and Placement (JDP)
- TANF staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.
 - Assignment to JDP
- Job ready individuals may be assigned to JDP.
- j) Job Retention
- Job Retention is designed to assist participants in retaining employment. Job Retention expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding Job Retention skills. Counseling or job coaching may continue after employment begins as long as the individual continues to receive TANF.
- k) Unemployed-Parents-Work-Experience
- Parents in a two-parent TANF case may be required to participate in Unemployed-Parents-Work-Experience unless they are exempt under one of the exemption criteria (see Section 112.711).
 - Unemployed-Parents-Work-Experience participants who are placed on a supervised work assignment to improve their employment skills through actual work experience at private employers, not-for-profit organizations, and governmental agencies. Participants are referred to work assignments as vacancies are

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available--Private employers, not-for-profit organizations--and governmental agencies--shall not use--Unemployed--Parents--Work Experience--participants--to--displace--regular--employees--(see subsection (k)(7) of this Section).

- 3) At least one parent in a two-parent TANP case is required to participate in a Work Experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANP case must participate in Work Experience for as long as he or she remains eligible for cash assistance or until determined exempt from TANP. At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment. If the participant is gaining work skills and if there is opportunity for employment:

4) Assignment to Work Experience

- A) The Unemployed Parents Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:

i) age 20 and over must participate an average of at least 30 hours each week in the Unemployed Parents Work Experience work assignment; in addition, the client may participate in educational activities below the post-secondary level; or

ii) under age 20 must participate an average of 20 hours each week in educational activities below the post-secondary level or be assigned to Work Experience for 20 hours weekly as appropriate. If assigned to education, the individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below post-secondary) component (see Section 112.70(a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Work Experience work assignment.

B) Entry into Unemployed Parents Work Experience

Parents in a two-parent TANP case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).

E) Unemployed Parents Work Experience Positions

A participant shall be assigned to an Unemployed Parents Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Work Experience.

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- B) Unemployed Parents Work Experience activities may be combined with other component activities if it is determined appropriate.

B) Enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under title I of the 1993 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.

5) Participation Requirements

- A) Participants in two-parent TANP cases must make a good-faith effort to complete up to one employer contact per week equivalent to five hours of job search activity in each 30-day period.

B) Failure to make the required number of employer contacts each 30-day period without good cause may result in sanction. A client will not be sanctioned if he or she makes a good-faith effort to complete and provide verification of the required number of employer contacts (see Section 112.70(d)(3)(B)).

E) Participants are also required to report as scheduled and on time to their work assignment. Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be later they are to immediately notify their work assignment sponsor. The individual must participate the number of assigned hours each week. Participation may include the work assignment, attendance in Education (below post-secondary) and/or completion of employer contact activities. At least one parent in a two-parent TANP case is required to participate in a work experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANP case must participate in Work Experience for as long as he or she remains eligible for cash assistance or is determined exempt from TANP.

6) Reassessment

At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment. If the participant is gaining work skills and if there is opportunity for employment:

7) Anti-Displacement

The Unemployed Parents Work Experience is subject to the provisions of Section 112.70(s).

K) Self-Employment

Self-employment activities will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs and technical assistance programs, and a two-year exemption of business assets and income for participants. In order to be approved in the

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self-employment component, the self-employment development plan must be approved.

- 1) Assignment to Self-Employment
Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.
- 2) Participation Requirements
Participants must participate in the assigned number of hours.
- 3) Self-Employment Asset and Income Exemptions
In order to qualify for a two-year self-employment exemption--of the business assets and income--the individuals must:
 - A) complete a self-employment program or demonstrate equivalent knowledge and experience; and
 - B) submit a business plan which includes the following items:
 - i) verification that the business can be started for under \$57,000;
 - ii) verification that the loan, if needed, has been secured or that an application for a loan is pending;
 - iii) a marketing plan which includes a complete product or service description; the market area; the target customers and promotional strategy; an analysis of the competition; distribution; pricing; and setting methods; and
 - iv) a financial plan which includes the amount of loan the business will need and the repayment plan; the projected monthly cash flow over a two-year period; the estimated cost of production and/or distribution and the estimated operating expenses;

- 4) Unstructured Community Service Work-Experience
Unstructured Community Service Work-Experience provides TANE participants with activities that emphasize and build on the individual's job seeking confidence by positively reinforcing the achievement of each small step gained in his or her successful advances toward employment. Activities may include volunteer work as well as job search contacts. Activities are closely monitored for compliance and for tracking the length of time that participants are assigned to Unstructured Community Service Work-Experience. At the reassessment the participant is assigned to the more structured work experience activity or Work First when the participant becomes more job ready. Participants are required to complete the work-activities booklet weekly to document their Job Search and Community Service activities. Activities must be for the required 20 hours per week or as assigned by their Responsibility and Services Plan.

- 5) Get-A-Job Initiative
 - i) The Department will operate Get-A-Job as a statewide demonstration for five years beginning November 17, 1995. Some areas will be designated as research sites, where cases will be randomly assigned to an experimental or control group. Clients

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- in these areas not in the experimental group will not participate in Get-A-Job.
- 2) Selection of Participants
At the time TANE cash assistance is approved, adults who are not exempt from participation in the TANE Employment and Work Program and who meet the following criteria will be assigned to Get-A-Job. Nonexempt adults will be selected if:
 - A) they are unemployed or employed and budgeted gross earnings are less than \$255 per month;
 - B) their youngest child is age five through 12; and
 - C) the adult:
 - i) has a high school diploma or GED;
 - ii) has been employed within the last three months; or
 - iii) is receiving unemployment insurance (UI) benefits or has received UI within the last three months.
- 3) TANE Orientation and Family Assessment
A) At application potential Get-A-Job participants will be identified during the intake process. The eligibility worker will inform the client about the TANE Employment and Work Program and explain Get-A-Job participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in Get-A-Job.
 - B) The determination that the client meets the selection criteria for Get-A-Job and the evaluation of the need for and arrangement of supportive services constitutes the initial TANE family assessment for Get-A-Job participants.
 - C) Participants will not be approved for education or training programs while in Get-A-Job.
- 4) Participation Requirements
A) Unless they have good cause, participants must:
 - i) attend scheduled monthly job search meetings;
 - ii) keep appointments with Get-A-Job staff;
 - iii) make a good faith effort to complete a job employer contacts each month;
 - iv) accept a bona fide offer of suitable employment; and
 - v) maintain employment and not voluntarily reduce earnings.
- B) Participants will remain in Get-A-Job for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other TANE activities as slots are available.
 - C) Participants will be placed in Get-A-Job each time they are approved for cash assistance and meet the selection criteria.
- 5) Supportive Services
Supportive services will be provided to assist participants in

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their job search:

- A) Each participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. No additional payment for these costs will be allowed.
- B) Payment for child care and initial employment expenses will be provided as needed, within the limits stated in Section 112.62.

6) Sanctions

- A) Reconciliation will be attempted with participants who fail to meet participation requirements (see Section 112.77).
- B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).

m) Targeted Work Initiative (TWI)

1) Demonstration Status

The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI.

12) Selection of Participants

TANF cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the TANF activity requirement, unless the recipient has earned income or is excused for one of the following reasons (other TANF exemption reasons listed in Section 112.71 do not apply to the TWI population):

- A) The recipient is temporarily ill or chronically ill.
- i) An individual is temporarily ill when determined by the local office, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis, that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in a work activity. A sound basis for exemption on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion.
- ii) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the

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individual from engaging in employment or participating in a work activity. This includes a 12 week period of recuperation after childbirth.

- iii) When an individual is determined either temporarily or chronically ill or incapacitated, the exclusion shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or, upon case review, the exemption will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary.

- B) The recipient provides full-time care for another household member due to that person's medical condition or incapacity.

23) Work or Work First at 24 Months Time-Benefit-Receipt-of-Cash Assistance

- A) When the participant has been in TWI for 24 months, the participant must be working or in Work First to qualify the family for TANF, unless the participant is excused for one of the reasons in Section 112.78(m)(1). A participant who has been in TWI for 24 months who fails to cooperate with Work First shall make the family ineligible for TANF rather than be subject to sanction (a)(2).

- B) Beginning with the first month in TWI, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24-month period.

- C) After reaching the 24-month limit, the participant shall be ineligible for cash assistance for a period of 24 months unless the participant is employed or in Work First. When the participant is off-cash assistance for 24 consecutive months for any reason, the participant will again be eligible for TANF if all other eligibility factors are met.

34) Participation Requirements

During the 24-month eligibility period, participants must cooperate with the requirements of the TANF Program as described in Section 112.72. Participants who fail to cooperate shall be subject to sanction.

45) Sanctions

- A) Reconciliation (see Section 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see Section 112.80).

- B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).

56) Activity Assignments for TWI Participants

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- A) Initial Activity Assignment
 1) Participants will be placed in an appropriate activity with a high school diploma--GEB--or--recent--work--history--with initially be required to complete eight weeks of independent job search--followed by assisted job search.
 2) Participants--who have neither a high school education nor recent work history--will--initially--be--given--a choice--of--independent--job--search--job--search--plus--job training--or--GEB--
- B) Assignment After 12 Months Work-First/Pay-After--Performance for-TWI-Participants
 1) Participants who have completed their appropriate activity and have not become employed after 12 months will be assigned to the Work First/Pay After Performance program.
 2) Participants in Work First must work at least 80 50 hours per month (20 hours per week for single-parent cases) or 120 hours per month (30 hours per week for two-parent cases) in an assigned Pay After Performance position to earn their TANF grant and food stamps. If the participant does not work 80 hours per month for single-parent cases or 120 hours per month for two-parent cases, the reduction per hour not worked will be the amount of the grant divided by 80 hours or 120 hours respectively. Their--TANF--grant--will--be reduced--by--this--amount--assigned--hours--x--minimum wage--They--will--be--paid--the--Federal--minimum--wage--by the--employer--or--Community-Based--Provider--for--only--the number--of--hours--they--actually--participate--
- 3) Participants in Work First must also complete 20 employer contacts each month and 20 hours of community service equivalent--to--35--hours--of--job--search activities--per--month--or--35--hours--of--job--search activities per month.
 4) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. A review An--assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.
 5) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies and will provide Worker's Compensation coverage for participants.
 6) Work First/Pay After Performance for TWI participants is subject to the provisions of Section 112.78(g).
 7) Individuals who fail to participate, without good cause, are determined to have not availed themselves

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- of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.
 6) Failure to participate is determined to have occurred:
 A) if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or
 B) if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior or performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.
- np) Work First/Pay After Performance for Non-TWI Participants
 1) Participants who are not in TWI and quit employment without good cause or lose employment for reasons entirely out of their control (for example, plant closings or layoffs) will be required to participate in Work First/Pay After Performance for six months or until they obtain employment to the extent slots exist. To the extent that resources allow, job ready clients will also be targeted for Work First/Pay After Performance slots.
 2) Individuals in a TANF case, assigned to Work First, must participate in Work First and other activities combined for an average of at least 20 hours each week to earn their TANF grant and food stamps plus 5 additional hours per week in community service and 5 employer contacts per week. in-py-1997-and-py-1999-at-least-25-hours-each-week-in-py-1999-and-at-least-30-hours-each-week-in-py-2000-and-after. If the participant does not work 80 hours per month, the reduction per hour not worked will be the amount of the grant divided by 80 hours.
 3) Nonexempt Non-TWI-nonexempt individuals in a two-parent TANF case must participate an average of at least 30 35 hours each week in Work First and 5 additional hours per week in community service and 5 employer contacts per week. If the individuals do not work 120 hours per month, the reduction per hour not worked will be the amount of the grant divided by 120 hours.
 4) Participants-in-Work-First-participate-the-number--of--hours--per month--equal--to--the-relevant-amount--of--benefits--divided--by--minimum wage--Other-countable--activities--will--be--combined--with--Work First--to--meet--minimum-hourly-participation-requirements.
 5) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained

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and if the opportunity for placement exists.

5)6) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies. The Department shall provide Worker's Compensation coverage for participants. The Department will ensure all applicable employer safety laws are met for Work First/Pay After Performance assignments. Failure of an employer to do so will result in termination of the contract.

6)7) Work First/Pay After Performance for non-TWI participants is subject to the provisions of subsection (q) of this Section Section-112-78(4).

7) Individuals who fail to participate, without good cause, are determined to have not availed themselves of the Work First opportunity. If good cause is not determined, the entire case is ineligible for TANF assistance. Upon reapplication for TANF, the individual may be reassigned to a Work First position.

8) Failure to participate is determined to have occurred:

- A) if the participant does not report to the provider or employer. Participants are deemed to have failed to report if they have not contacted the provider or employer in person, by telephone or mail, or by a third party; or
- B) if the participant has engaged in misconduct connected with the Work First assignment. The term "misconduct" means deliberate and willful violation of a reasonable rule or policy of the employer governing the individual's behavior or performance of work, provided such violation has harmed the employer or other employees or has been repeated by the individual despite a warning or the explicit instruction from the employer.

9) Substance Abuse

1) Selection of Participants

If alcohol or substance abuse is suspected as a barrier to employment during the family assessment process or at an intake interview, the client will be referred for a clinical assessment by an alcohol/substance abuse counselor. If treatment is indicated, the client will be required to follow-up as a condition of eligibility, unless the client is employed more than 30 hours per week or if treatment resources are not available.

2) Work Activity

Clients participating in alcohol/substance abuse treatment in accordance with their Responsibility and Services Plan are participating in a work activity.

3) Supportive Services

Supportive services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

4) Sanctions

A) Reconciliation will be attempted with clients

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who fail to cooperate with their treatment plan. Cooperation with the treatment plan will be defined by the alcohol/substance abuse provider, based on uniform guidelines.

B) When reconciliation ~~conciliation~~ is unsuccessful, the TANF sanctions will apply.

p)7) Domestic Violence

1) Selection of Participants

All clients receiving TANF will have a family assessment completed. If domestic violence is a barrier to employment, the client will be referred to a domestic violence service provider.

2) Work Activity

Clients participating in domestic violence abuse treatment are in accordance with their Responsibility and Services Plan and are participating in a work activity.

3) Supportive Services

Supportive Services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

4) Sanctions

If the individual does not comply with the Responsibility and Services Plan relating to domestic violence, a sanction will not be imposed. The Responsibility and Services Plan will be reviewed, and other work related activities will be developed. Compliance will be required for the new activities.

q)8) Anti-Displacement and Grievance Procedure

1) An employer may not utilize a work activity participant if such utilization would result in:

- A) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or
 - B) the filling of a position that would otherwise be a promotional opportunity for current employees; or
 - C) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or
 - D) the placement of a participant in any established unfilled vacancy; or
 - E) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.
- 2) An employer who wishes to utilize work activity participants shall notify the appropriate labor organization in accordance with the applicable State statute [305 ILCS 5/9A-13].
- 3) Participants, other employees at the work site or their representative, may file a grievance with the Department if they believe the participant's work assignments are causing displacement. In order for the Department to consider a

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grievance, it must be in writing and contain the following information:

- A) the name and address of the participant or other employee at the work site (the grievant);
- B) the participant's case number (if grievant is participant);
- C) the grievant's Social Security number;
- D) Work Experience (work site); and
- E) a statement as to why the grievant believes the participant is causing displacement.

- 4) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
 - A) the grievant;
 - B) the grievant's representative, if any;
 - C) the Work Experience Sponsor;
 - D) the Work Experience Sponsor's representative, if any; and
 - E) the Department's representative.

- 5) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information is requested by the grievant and/or the Department.

- 6) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

- 7) If the Department concludes that displacement occurred (as described in subsection (q)(5)(1) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF participants in addition to the participants involved in the grievance, the Department shall terminate those TANF participants' assignment to that work assignment Sponsor.

- 8) The Department, its employees or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work Sponsor contract.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 112.79 Sanctions

- a) Sanctions may be imposed against those participants who fail to participate without good cause. Sanctions shall be based on instances

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of non-cooperation which occur on or after July 1, 1997. The sanction penalty shall be as follows:

- 1) For the first instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.
- 2) For the second instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level for three months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.
- 3) For the third instance and any subsequent instance of non-cooperation, the family's entire cash assistance payment is stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month sanction period.
- 4) Sanction penalties accumulate by family, not by person, during any single period of continuous assistance. A loss of all cash assistance due to sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction shall apply.

b) Sanction Reasons

Sanctioning of a participant will result from one instance of any of the following unless reconciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- 3) discontinuing part-time employment (less-than-20-hours-per-week);
- 4) reducing employment (that-is-7-hours-of-employment)-to-less-than-20-hours-per-week;
- 5) failure-to-respond-to-a-call-in-notice-for-an-orientation appointment-(see-Section-112.76)--this-reason-only--applies-to-nonempt-clients-who-are-mandated-to-participate;
- 6) failure-to-report-to-an-assessment-interview-and-comply-with-the assessment-process-(see-Section-112.74)--this-reason-only applies-to-nonempt-clients-who-are-mandated-to-participate;
- 57) failure to participate in the activity;
- 68) failure to respond to a written notice for a meeting. For the purpose of determining attendance at meetings, if participant arrives anytime within 30 minutes after the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than 30 minutes late the tardiness will be excused. The worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;

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79) failure to make good--faith--effort--to--complete--and--provide verification--of the required number of acceptable employer contacts every 30 days when employer contact activity is required;

810) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in work or training activities; ~~or failure-to-maintain-satisfactory-participation-of-at-least-75%-in below-post-secondary-and-post-secondary-education-activities--or~~

912) failure to provide verification of education/training activities, employability status, etc.

c) No sanction will be imposed until staff has sent the participant a written notice scheduling a good cause determination/ reconciliation meeting to determine whether the participant had good cause for his or her failure to comply with requirements and the participant has either failed to attend the meeting or failed to show good cause. If the participant failed to show good cause, the reconciliation process will continue (see Section 112.80) to enable resolving disputes related to participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the participant to appear for the scheduled meeting is not considered an instance of noncooperation.

d) A sanction against participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).

e) The notice of change form issued for a sanction shall include the following:

1) a description of the acts of noncooperation, including dates where applicable; and

2) a statement that the participant's acts were without good cause (see Section 112.80 for good cause criteria); and

3) the following language will be required for participants:--you will be sanctioned until the last day of sanction period.---in order for cash assistance---to---be restored at the end of the sanction period with no further gap---in---assistance---you must file an application---for---written request---for cash assistance between (x date) and (y date)---if you apply later than (y date)---there may be a further gap in assistance.

f) At least 14 days prior to the end of the sanction period, a notice will be sent to sanctioned individuals whose failure to cooperate has continued for three months explaining the individual's option to end the sanction.

g) A sanction under this Section shall not affect receipt of Medical Assistance. Likewise, a sanction for child support enforcement or the school attendance initiative does not affect any instances of non-cooperation under this Section.

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gh) Individuals who are sanctioned will be contacted at least one time per month to attempt to re-engage the client back into the program. Supportive services (see Section 112.82) will be paid while in sanction status if the individual is participating. If the family is also sanctioned for failure to cooperate with child support enforcement or school attendance initiative requirements, the sanctions are served simultaneously.

hi) A person must cooperate to end the sanction. When the person cooperates, benefits are restored as of the date of cooperation or, for second or third instances of sanction, at the end of the three month period, whichever is later.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 112.80 Good Cause for Failure to Comply with TANF Participation Requirements

a) If a participant has good cause for not complying with a TANF participation requirement, financial assistance shall not be discontinued. Examples of good cause include but are not limited to:

- 1) temporary illness for its duration;
- 2) court required appearance or temporary incarceration;
- 3) death in the family;
- 4) extreme inclement weather;
- 5) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under TANF, to the extent the lack of the needed service presents a significant barrier to TANF participation;
- 6) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by TANF staff (e.g., a participant is unable to attend an orientation session because she is already attending GED classes);
- 7) failure of Department staff or Contractor to correctly forward the information to TANF staff;
- 8) failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), when an education/training program is officially approved by TANF. When TANF workers know in advance of such tests and mandatory classes or functions, they shall schedule TANF activities around them if possible;
- 9) failure of the participant due to his or her illiteracy;
- 10) failure of the participant because it is determined that he or she should be in a different TANF activity;
- 11) non-receipt by the participant of a notice advising him or her of a participation requirement, if documented by the participant. Documentation can include, but is not limited to: a written

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statement from the post office or other informed individual: the notice not sent to the participant's last known address in Department records; return of the notice by the post office; other returned mail; proof of previous mail theft problems. When determining whether or not the participant has demonstrated non-receipt, the Department shall take into consideration a participant's history of cooperation or non-cooperation in the past. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;

- 12) non-comprehension of written and/or oral English;
 - 13) child care (or day care for an incapacitated individual living in the same home as a child) is necessary for the participation or employment and such care is not available for a child under age 13;
 - 14) failure to participate in a TANF activity due to a verified scheduled job interview;
 - 15) the individual is homeless. Homeless individuals (including the family) have no current residence and no expectation of acquiring one in the next 30 days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis;
 - 16) documented circumstances beyond the control of the participant which prevent the participant from completing program requirements; or
 - 17) failure to participate in a TANF work activity because of violations of workplace rights due TANF recipients as determined by the U.S. Department of Labor.
- b) The TANF worker may ~~will not~~ require a participant to document good cause for noncooperation with TANF requirements, ~~unless:~~
- 1) ~~the participant has failed to comply with TANF requirements on at least one other occasion within a 90-day period; or~~
 - 2) ~~evidence independent of the explanation of good cause casts doubt on the participant's explanation;~~
- c) No participant shall be denied good cause solely on the basis that he or she failed to notify the Department in advance of a participation requirement. Nevertheless, failure to notify is material and is an important factor if the participant could have notified the Department.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions
- 2) Code Citation: 35 Ill. Adm. Code 276
- 3)

Section Numbers:	Proposed Action:
276.101	Amend
276.102	Amend
276.103	Add
276.104	Add
276.201	Amend
276.202	Amend
276.203	Amend
276.204	Amend
276.205	Amend
276.207	Add
276.208	Add
276.209	Add
276.312	Add
276.401	Amend
276.403	Amend
276.404	Add
276.501	Amend
276.502	Amend
276.503	Amend
276.504	Amend
276.505	Add
276.506	Add
276.507	Add
276.508	Add
276.601	Amend
276.602	Amend
276.603	Amend
276.605	Add
276.606	Add
276.607	Add
276.701	Amend
276.702	Amend
276.703	Amend
276.704	Amend
276.803	Amend
276.901	Amend
276.902	Amend
276.903	Amend
276.TABLE A	Add
276.TABLE B	Add
- 4) Statutory Authority: Environmental Protection Act [415 ILCS 5/27], and

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Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B] (as amended by P.A. 90-475, effective August 17, 1997).

- 5) A Complete Description of the Subjects and Issues Involved: This proposal contains amendments to the vehicle inspection and maintenance regulations to add to, and modify, current emission testing procedures and equipment requirements. These changes are needed to allow the State to meet its requirement under the federal Clean Air Act [42 USC 7401 et seq.] to establish and operate an "Enhanced" vehicle inspection and maintenance program. Specific elements of the rulemaking include: modifications and additions to test equipment specifications, maintenance, and calibration requirements; additions and modifications to test procedures; modification of waiver requirements; and addition of economic hardship extension procedures. A public hearing is scheduled to be held to describe the proposed amendments and solicit public comment on August 10, 1998.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These rules will enable Illinois to help meet federal statutory requirements for enhanced I/M testing as required by the Clean Air Act [42 USC 7401 et seq.]. These rules do not create or enlarge a State mandate as defined in 30 ILCS 805/3(b).

- 11) Time, Place, and Manner in which interested person may comment on this Proposed rulemaking: Send written comments concerning EPA # 338-98 within 45 days after publication in the *Illinois Register* to:

John Williams
Agency Hearing Officer
Illinois Environmental Protection Agency
Division of Legal Counsel
P.O. Box 19276
1021 North Grand Avenue, East
Springfield, Illinois 62702
(217) 782-5544

and

Christopher P. Demeroukas
Assistant Counsel
Illinois Environmental Protection Agency

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Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62702
(217) 782-5544

Written comments must be postmarked by August 24, 1998, for inclusion into the hearing record.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: These proposed amendments will impact these entities to the extent they own or operate motor vehicles subject to the proposed amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: A small number of motorists may be subject to additional reporting requirements due to the proposed waiver amendments.
- C) Types of professional skills necessary for compliance: No additional professional skills are required for compliance.

- 13) Regulatory Agenda on Which this Rulemaking was Summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 276

PROCEDURES TO BE FOLLOWED IN THE
PERFORMANCE OF INSPECTIONS OF
MOTOR VEHICLE EMISSIONS

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Section
276.101
276.102
276.103
276.104

Purpose and ApplicabilityDefinitionsAbbreviationsIncorporations by Reference

SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES

Section
276.201
276.202
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General Description of Vehicle Emissions Inspection ProceduresPollutants to be Tested - Exhaust TestDilution - Steady-State Idle Exhaust TestSteady-State Idle Exhaust Emissions Test ProceduresEvaporative System Integrity Test ProceduresEngine and Fuel Type ModificationsTransient Loaded Mode Exhaust Emissions Test ProceduresOn-Road Remote Sensing Test ProceduresOn-Board Diagnostic Test ProceduresSUBPART C: STICKER OR CERTIFICATE ISSUANCE, DISPLAY, AND
POSSESSION

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General RequirementsDetermination of Affected CountiesEmissions Inspection Sticker or Certificate Design and ContentInitial Emissions Inspection Stickers or CertificatesExempt Emissions Inspection Stickers or CertificatesRenewal Emissions Inspection Stickers or CertificatesTemporary Emissions Inspection Stickers or CertificatesCorrected or Interim Emissions Inspection Stickers or CertificatesWaiver Emissions Inspection Stickers or CertificatesEmissions Inspection Sticker and Certificate Display and PossessionChange of Assigned Test MonthEconomic Hardship Extension Stickers or Certificates

SUBPART D: WAIVER AND ECONOMIC HARDSHIP EXTENSION REQUIREMENTS

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Waiver General RequirementsLow Emissions TuneupsDenial or Issuance of WaiverEconomic Hardship Extension Requirements

SUBPART E: TEST EQUIPMENT SPECIFICATIONS

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General RequirementsSteady-State Idle Exhaust Test Analysis Systems Functional Requirements---Steady-State-Idle-Test-Exhaust-Analysis-SystemsSteady-State Idle Exhaust Test Analysis Systems Performance Criteria---Steady-State-Idle-Test-Exhaust-Analysis-SystemsEvaporative System Integrity Test Functional Requirements and Performance Criteria---Evaporative-System-Integrity-Test-(Puei-Test-Record-Keeping)Transient Loaded Mode Test Systems Functional RequirementsOn-Road Remote Sensing Test Systems Functional Requirements and Performance CriteriaOn-Board Diagnostic Test Systems Functional Requirements and Performance Criteria

SUBPART F: EQUIPMENT MAINTENANCE AND CALIBRATION

Section
276.601

Steady-State Idle Test Equipment Maintenance---Steady-State-Idle-Test EquipmentSteady-State Idle Test Equipment Calibration---Steady-State-Idle-Test EquipmentEvaporative System Integrity Test Maintenance and CalibrationRecord KeepingTransient Loaded Mode Test Equipment Maintenance and CalibrationOn-Road Remote Sensing Test Systems Maintenance and CalibrationOn-Board Diagnostic Test Systems Maintenance and CalibrationOn-Board Diagnostic Test Systems Maintenance and Calibration

SUBPART G: FLEET SELF-TESTING REQUIREMENTS

Section
276.701
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General RequirementsFleet Inspection PermitFleet Inspection Permittee Operating RequirementsPrivate Official Inspection Station Auditing and SurveillanceFleet Vehicle Inspection Procedures (Renumbered)

SUBPART H: GRIEVANCE PROCEDURE

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Section

276.801 General Requirements
 276.802 Procedure for Filing Grievance
 276.803 Agency Investigation
 276.804 Review of Agency's Determination

SUBPART I: NOTICES

Section

276.901 General Requirements
 276.902 Initial Emissions Inspection Notice
 276.903 Warning Notice
 276.904 Second Warning Notice (Repealed)

SUBPART J: RECIPROCITY WITH OTHER JURISDICTIONS

Section

276.1001 Requirements for Vehicles Registered in Affected Counties and Located in Other Jurisdictions Requiring Vehicle Emissions Inspection
 276.1002 Requirements for Vehicles Registered in Other Jurisdictions Requiring Vehicle Emissions Inspection and Located in an Affected County

276.TABLE A Transient Driving Cycle

276.TABLE B Fast-Pass Speed Variation Limits Using Positive Kinetic Energy (PKE) Measurements

AUTHORITY: Implementing and authorized by the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B] (see P.A. 90-475, effective August 17, 1997).

SOURCE: Adopted at 10 Ill. Reg. 13954, effective August 13, 1986; amended at 16 Ill. Reg. 10230, effective June 15, 1992; amended at 20 Ill. Reg. 8456, effective June 14, 1996; amended at 22 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; "INT" means the integral symbol as used in mathematics, and "SUM" means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 276.101 Purpose and Applicability

a) Purpose

This Part establishes specific procedures to be followed in the performance of inspections of motor vehicle emissions.

b) Applicability

The provisions of this Part necessary for the implementation of the

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Enhanced I/M testing program mandated by the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B] (see P.A. 90-475, effective August 17, 1997) shall be implemented upon initiation of the Enhanced I/M testing program, scheduled to begin between December 1, 1998 and June 1, 1999.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.102 Definitions

- a) Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5]---the--Vehicle-Emissions-Inspection-Law-[625-5/Ch-13A], and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B] (see P.A. 90-475, effective August 17, 1997) Ch-13B.
- b) The following definitions apply to this Part part:

"Accuracy" means the combination of bias and precision errors, technically defined as uncertainty, that quantifies quantify the differences between a measured and true value.

"Adjusted loaded vehicle weight (ALVW)" means the vehicle curb weight Plus the gross vehicle weight rating divided by two.

"Affected county" means any county or portion thereof, as defined in Section 13B-5 of the Vehicle Emissions Inspection Law of 1995 13A-102-of-the-Vehicle-Emissions-Inspection-Law-[625-5/13A].

"Agency"--means-the-illinois-Environmental-Protection-Agency-

"Assigned test month" means the month and year allocated by the Agency for testing a vehicle. The first day of the "Assigned Test Month" shall be 4 months prior to the sticker or certificate "Expiration Date".

"Calibration gas" means a gas of known concentration used to establish the response curve of the exhaust gas analyzer.

"Corrected or interim emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.308 of this Part that contains a reassigned vehicle test month issued to the owner(s) an-owner of a vehicle subject to emissions inspection who has petitioned the Agency for a change in Assigned Test Month, and whose vehicle has previously been issued an Initial Emissions Inspection Sticker or Certificate with an Assigned Test Month.

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"Drift" means the amount of change in analyzer reading over a period of time. Zero drift refers to the change of zero reading. Span drift refers to a change in the reading at a specified span gas calibration point.

"Economic hardship extension" means a time extension of one year that may be granted to the owner(s) of a vehicle in order for the owner(s) to comply with the requirements of the Vehicle Emissions Inspection Law of 1995.

"Emission control devices" means those components of a vehicle which were designed and are used to control vehicle exhaust and evaporative system emissions. For the purpose of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

"Equivalent test weight" means the loaded vehicle weight for light duty vehicles and light duty trucks 1, and the adjusted loaded vehicle weight for light duty trucks 2 and heavy duty trucks.

"Evaporative system integrity test" means a test of the fuel cap portion of a vehicle's evaporative system, which consists of either a fuel cap leak flow test, a fuel cap pressure decay test, or a fuel cap visual functional test, as applicable. The test shall either consist of a leak flow rate check of a vehicle's fuel cap with a fuel cap leak flow tester or a fuel cap leak flow test, or a visual functional check of the fuel cap, as applicable.

"Exempt emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.305 of this Part to the owner(s) of a vehicle registered in an Affected County which is exempt from emissions inspection pursuant to Section 138-15(f) or 138-15(g) of the Vehicle Emissions Inspection Law of 1995, and the requirements of this Part.

"Exhaust gas analyzer" means a device that has the capability to identify unknown concentrations of particular constituents in motor vehicle exhaust gases by comparison with known concentrations of analytical gases.

"Expiration date" means the deadline for having a vehicle inspected and obtaining the appropriate sticker or certificate.

"Fleet inspection permit" means a permit issued to fleet self-testers in accordance with Subpart G.

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"Fleet inventory" means those vehicles which have been registered with the Agency for the purpose of fleet self-testing and which have been assigned a test month.

"Fleet vehicle" means any non-exempt vehicle registered with the Agency for the purpose of fleet self-testing.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means a test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap leak flow tester (fuel cap tester)" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Fuel cap pressure decay test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap pressure decay tester" means a device used to determine the pressure decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel cap for a 10 second period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

"Fuel cap visual functional test" means the test performed in accordance with this Part on a vehicle's fuel cap using visual analysis to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"HC hangup" means hydrocarbons which cling to the surface of the analyzer gas sampling stream causing errors in hydrocarbon readings.

"Heavy duty vehicle (HDV)" means a motor vehicle rated at more than 8500 pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in

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excess of 45 square feet.

"High idle" means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at a speed of 2500 \pm 300 RPM.

"Household income" means the gross income of all household members, except wage or salary income earned by dependent minors under 18 years of age. A head of household and his or her spouse are not considered as minors. Gross income includes wages, interest, annuities, pensions, social security retirement, disability, public aid, alimony, child support, unemployment benefits, workers' compensation, and any other indirect income such as utility allowances.

"Idle mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.304 of this Part to the owner(s) of a vehicle that has not been tested because such vehicle was not previously subject to inspection, but has become subject to inspection in accordance with the Vehicle Emissions Inspection Law of 1995 ~~625-1BES-5/~~ ~~CH-13A~~.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Interference" means those exhaust gas analyzer read-out errors caused by instrument response to non-interest gases typically occurring in vehicle exhaust.

"Light duty truck 1 (LDT1)" means a motor vehicle rated at 6,000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2 (LDT2)" means a motor vehicle rated between 6,001 and 8,500 pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed

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primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty vehicle (LDV)" means a passenger car or passenger car derivative capable of seating 12 passengers or fewer.

"Loaded vehicle weight" means the vehicle curb weight plus 300 pounds.

"Low income" means the household income during the preceding 12 month period was not more than 150 percent of the latest available poverty guidelines established by the U.S. Department of Health and Human Services for the contiguous United States and the District of Columbia.

"Malfunction indicator light (MIL)" means the light found on the dashboard of OBD-equipped vehicles that is required to be illuminated when the OBD system detects malfunctions.

"National Institute of Standards and Technology (NIST) gas" means a standard gas maintained or made available by the National Institute of Standards and Technology for the purpose of determining the accuracy of calibration gases.

"Non-exempt vehicle" means any vehicle subject to emission inspections, regardless of whether the vehicle is in a certified configuration, under the Vehicle Emissions Inspection Law of 1995 ~~625-1BES-5/~~ ~~CH-13A~~.

"Non-fleet vehicle" means any non-exempt vehicle except for vehicles registered with the Agency for the purpose of fleet self-testing.

"Official inspection station" means a vehicle emission inspection facility operated by the Agency or the Agency's Contractor for the purpose of conducting emission inspections on non-fleet vehicles.

"On-board diagnostic (OBD) system" means equipment designed to monitor the performance of emission control equipment, fuel metering systems, ignition systems and other equipment and operating parameters for the purpose of detecting malfunctions or deterioration in performance that would be expected to cause the vehicle to exceed federal emission standards.

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"On-board diagnostic test" means the scanning of stored trouble codes in the OBD system to determine if any emission related trouble codes are present and if the MIL is commanded to be on, which would indicate the existence of an emission related malfunction with the vehicle.

"On-road remote sensing test" means the observation, measurement, and recording of vehicle exhaust emission concentrations of hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO₂) present in each in-use vehicle while traveling on roadways or in specified areas by equipment that is not connected to the vehicle.

"Preconditioning mode" means a period of steady-state loaded mode or high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failure caused by improper or insufficient warm-up.

"Private official inspection station" means a vehicle emission inspection facility operated by a registered owner or lessee of fifteen (15) or more non-exempt fleet vehicles.

"Recognized repair technician" means a person professionally engaged in vehicle repair, employed by a going concern whose purpose is vehicle repair, or possessing nationally recognized certification for emission related diagnosis and repair.

"Renewal emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.306 of this Part to an owner of a vehicle which successfully passes a vehicle emissions test in accordance with the provisions of this Part.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Span-gas" means a gas of known concentrations which is used to check or adjust the analyzer response characteristics to those determined by the calibration gases. Span-gas used shall be a blended gas containing propane, carbon monoxide, and carbon dioxide in nitrogen meeting the following specification:

low-range-gas:
HC: 200 ± 800 ppm (propane)

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HC: 1.0 ± 2.0%
CO: 2.0 ± 10%

High-range-gas:
HC: 0.0% of full-scale ± 5%
CO: 0.0% of full-scale ± 5%
CO₂: 6.0 ± 10%

"State-inspector" means an Agency employee who is authorized to conduct waiver inspections and approve or disapprove applications for waiver.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or high idle preconditioning mode and a second-chance idle mode.

"Temporary emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.307 of this Part to an owner of a vehicle subject to inspection which currently has a valid initial or renewal emission inspection sticker or certificate, and which has met the requirements of this Part.

"Test cycle" means the two-year period between a vehicle's Assigned Test Months.

"Vehicle curb weight" means the actual vehicle weight plus standard equipment and a full fuel tank.

"Vehicle inspection report" means a report issued to the motorist indicating the results of an emission inspection or waiver determination.

"Visual functional test" means a visual examination of a vehicle's fuel cap for any readily apparent wear, tampering, or defects which would prevent the fuel cap from operating properly.

"Waiver" means a suspension of the requirement that a non-exempt vehicle comply with exhaust emission standards after two or more attempts to do so, as provided for in this Part.

"Waiver emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.309 of this Part to the owner(s) of a vehicle which has failed a vehicle emissions test and at least one retest, but successfully complies with the applicable waiver requirements of this Part.

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"Waiver inspection" means an inspection conducted by a waiver inspector State-inspector to determine waiver eligibility.

"Waiver inspector" means a person authorized by the Agency to conduct waiver inspections and to approve or disapprove applications for a waiver.

"Waiver inspection report" means a form containing waiver eligibility requirements which is completed by a waiver inspector State-inspector to determine whether a vehicle is eligible for a waiver.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.103 Abbreviations

Abbreviations used in this Part include the following:

ALVW	adjusted loaded vehicle weight
cc/min	cubic centimeters per minute
CO	carbon monoxide
CO[2]	carbon dioxide
CFV	critical flow venturi
CVS	constant volume sampler
gpm	grams per mile
GVWR	gross vehicle weight rating
HC	hydrocarbons, as hexane
HDV	heavy duty vehicle
hr	hour
I/M	inspection and maintenance
kW	kilowatt
LDT1	light duty truck 1
LDT2	light duty truck 2
LDV	light duty vehicle
LWV	loaded vehicle weight
mi	mile, miles
ML	malfunction indicator light
NDIR	non-dispersive infrared
NIST	National Institute for Standards and Technology
NO	nitrogen oxide
NO(x)	oxides of nitrogen
NO[2]	nitrogen dioxide
OBD	on-board diagnostics
ppm	parts per million by volume
ppmC	parts per million, carbon
psi	pounds per square inch
RPM	revolutions per minute

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SDM source detector module
SE standard error of estimate
SSV subsonic venturi

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 276.104 Incorporations by Reference

The following materials are incorporated by reference and include no later editions or amendments:

- a) United States Environmental Protection Agency (USEPA), "IM240 and Evaporative Test Guidance: 1998 Revised Technical Guidance," Report EPA-AA-RSPD-IM-98-1 (Draft), 2565 Plymouth Road, Ann Arbor MI 48105 (March 1998).

NOTE: Sections of this Guidance are referenced as though they are sections of 40 CFR 85.

- b) United States Environmental Protection Agency (USEPA), "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance," Report EPA-AA-RSPD-IM-96-1 (Draft), 2565 Plymouth Road, Ann Arbor MI 48105 (June 1996).

NOTE: Sections of this Guidance are referenced as though they are sections of 40 CFR 85.

- c) 40 CFR 85.2221, 85.2223, and 85.2231 (63 FR 24429, 24433-24434 (May 28, 1998)).

- d) 40 CFR 51.353(c) and 51.358(c) (July 1, 1997).

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES

Section 276.201 General Description of Vehicle Emissions Inspection Procedures

Compliance with vehicle exhaust, and evaporative emissions, on-board diagnostics, and on-road sensing standards shall be determined by use of test procedures and other requirements as applicable as set forth in this Part Section-276-204, Section-276-205, and Section-276-206.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.202 Pollutants to be Tested - Exhaust Test

Vehicle exhaust emission inspections shall consist of sampling vehicle tailpipe emissions concentrations of hydrocarbons-t HC, as-hexane, carbon-monoxide--t CO, and-carbon-dioxide-t CO[2], and NO[x] (if applicable).

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.203 Dilution - Steady-State Idle Exhaust Test

To prevent excess dilution in a steady-state idle an exhaust emissions test described in Section 276.204, the sample probe shall be inserted a minimum of ten-4 10+ inches into the vehicle's tailpipe. Extension boots shall be utilized if it is impossible to insert the sample probe at least ten-4 10+ inches into the tailpipe. A vehicle emission test shall be invalid if the applicable emission standards contained in 35 Ill. Adm. Code 240 are met but the sum of the CO carbon-monoxide and CO[2] carbon--dioxide concentrations in the exhaust gas does not exceed 6 percent 4 during the sample averaging period(s).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.204 Steady-State Idle Exhaust Emissions Test Procedures

a) Steady-State Idle Test

1) Test Description
The steady-state idle test with loaded preconditioning may be substituted for the transient loaded mode exhaust gas analysis for those vehicles identified in Section 13B-25(c) and (d) of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B] (see P.A. 90-475, effective August 17, 1997). The steady-state idle test with loaded preconditioning consists of a first-chance idle mode test followed, if necessary, by a second-chance test. The second-chance test consists of a loaded preconditioned mode using a dynamometer, or a high idle preconditioned mode while in neutral or park, followed immediately by an idle mode.

2) Engine Re-Start

In addition to the test procedures of this Section, the engines of 1981-1987 model year Ford Motor Company vehicles and 1984-1985 model year Honda Preludes must be shut off for not more than 10 ten seconds and restarted prior to initiating the idle mode of the second-chance test. The probe shall be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure.

b) General Requirements

1) Initial tests (i.e., those occurring for the first time in a vehicle's scheduled test cycle) shall be performed without repair or adjustment at the inspection facility prior to the test.

2) Tests shall be performed with Agency-approved equipment that has been calibrated according to the quality procedures contained in Section 276.602 of this Part.

3) Vehicles with apparent leaks of fuel, oil, coolant, or exhaust

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shall not be tested.

4) Vehicles with missing tail pipe sections which would prohibit full insertion of an analyzer probe shall not be tested.

5) Vehicles shall be tested with their engines and emissions control systems at normal operating temperatures and not overheating (as indicated by gauge, temperature lamp, touch test on the radiator hose, and/or boiling radiator).

6) Vehicles shall be tested without any accessories in operation.

7) Vehicles must be operated during each mode of the test with the gear selector in the position described as follows: Vehicles shall be tested with their transmissions in neutral or park.

A) In drive for automatic transmissions and in second (or third if more appropriate) for manual transmissions for the loaded preconditioning mode; and

B) in neutral or park for the idle mode test and the high idle preconditioning mode.

8) For vehicles with multiple tailpipes, separate test results from each tailpipe shall be numerically averaged for each pollutant sampled unless equipment capable of simultaneously sampling multiple tailpipes is utilized.

9) Vehicles subject to loaded mode preconditioning under subsection (e)(2)(B)(i) of this Section shall be rejected from testing if drive axle tires:

A) exhibit visible cords, belts, bubbles, cuts, or other damage, or

B) are space-saver spare tires, or

C) are not reasonably sized.

10) Vehicles subject to loaded mode preconditioning under subsection (e)(2)(B)(i) of this Section shall have their drive axle tires inspected for proper inflation. If the air pressure of one or more of these tires appears low, it shall be inflated to approximately 30 psi, or to tire sidewall pressure, or manufacturer's recommendations.

c) Procedures

1) The analysis of exhaust gas concentrations must begin 10 ten seconds after the applicable test mode begins.

2) Exhaust gas concentrations must be analyzed at a minimum rate of once every 0.75 second.

3) The measured value for the pass/fail determination shall be a simple running average of the measurements taken over 5 five seconds.

4) When used for loaded mode preconditioning, the dynamometer must be warmed up, in stabilized operating condition, adjusted, and calibrated in accordance with the procedures contained in Section 276.603 of this Part. Prior to each test, variable-curve dynamometers must be checked for proper setting of the road-load indicator or road-load controller.

5) With the exception of those vehicles specified in subsections

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(c)(5) and (c)(7) of this Section subsection--(e)(5), the tachometer must be attached to the vehicle in accordance with the analyzer manufacturer's instructions.

6) Vehicles that cannot continuously meet the engine speed requirements of subsection (e)(1)(B) of this Section within 30 seconds after initiation of the first-chance test shall be rejected upon verification of the proper operation and placement of the tachometer. If it is determined that the operation or placement of the tachometer is faulty, immediate corrective action shall be taken and the vehicle shall be retested in accordance with subsection (e) of this Section.

7) For 1996 and newer model year LDVs, LDTs, and LDTs, the OBD data link connector shall be used to monitor RPM. In the event that an OBD data link connector is not available or that an RPM signal is not available over the data link connector, a tachometer shall be used instead.

8) If the engine or vehicle speed, as applicable, falls outside the limits specified in subsections (e)(1)(B), (e)(2)(B)(i), (e)(2)(B)(ii), (e)(2)(B)(iii) or (e)(2)(C) of this Section, as applicable, for more than 5 five seconds in any one excursion, or 15 seconds over all the excursions within a test mode, the mode timer shall be reset to zero and the mode restarted 7-the-mode timer-resets-to-zero-and-resumes-timing.

9) For vehicles whose design prevents the monitoring of the engine rpm rate with a tachometer, the engine speed requirements of subsections (e)(1)(B), (e)(2)(B), and (e)(2)(C) of this Section shall not apply. The preconditioning mode of a second-chance idle test shall consist of accelerating the vehicle's engine to an estimated rate of 2500 rpm for a period of 30 seconds prior to initiating a second-chance idle mode test.

10) The sample probe must be inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension must be used.

11) The measured concentration of CO plus CO₂ must be greater than or equal to 6 percent (6%) or the vehicle will be rejected.

12) If a vehicle's engine stalls at any time during the test sequence, the test shall be aborted and restarted. If after 3 attempts the test cannot be completed, the vehicle shall be rejected.

d) Pass/Fail Determination

A pass or fail determination is made for each applicable test mode based on a comparison of the test standards contained in 35 Ill. Adm. Code 240.152 240-124 with the measured value for hydrocarbons--f HC and carbon-monoxide--f CO as described in subsection (c) of this Section. A vehicle passes the test mode if any pair of simultaneous measured values for HC and CO are below or equal to the applicable test standards. A vehicle fails the test mode if the values for

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either HC or CO, or both, in all simultaneous pairs of values are above applicable standards.

e) Test Sequence

The steady-state idle test consists of a first-chance test and a second-chance test. The first-chance test consists only of an idle mode. The second-chance test consists of a preconditioning mode followed immediately by an idle mode, and is performed only if the vehicle fails the first-chance test.

1) First-Chance Test

A) The test starts when the conditions specified in subsections (e)(1)(B) and (e)(1)(C) of this Section are met.

B) The mode starts when the vehicle engine speed is between 350 and 1300 rpm. The minimum mode length is determined as described under subsection (e)(1)(C) of this Section.

C) The pass/fail analysis begins after an elapsed time of 10 ten seconds. A pass or fail determination is made for the vehicle and the mode is terminated in accordance with subsections (e)(1)(C)(i) through (e)(1)(C)(iv) of this Section.

i) The vehicle passes the idle mode and the test terminates on or before an elapsed time of 30 seconds, if the measured values are less than or equal to the applicable test standards as described in subsection (d) of this Section.

ii) The pass/fail analysis shall continue beyond 30 seconds as long as emission readings are declining based upon comparison of the last 5 five consecutive measured values. The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds and 90 seconds, the measured values are less than or equal to the applicable test standards described in subsection (d) of this Section.

iii) The vehicle fails the first-chance test if the provisions of subsection (e)(1)(A), (e)(1)(C)(i), or (e)(1)(C)(ii) of this Section are not met.

iv) The vehicle shall fail the first-chance test and the second-chance test shall be omitted if no measured values less than 1800 ppm HC are found by an elapsed time of 30 seconds.

2) Second-Chance Test

A) If the vehicle fails the first-chance test, a second-chance test is performed except as described in subsection (e)(1)(C)(iv) of this Section.

B) Preconditioning Mode
All LDVs, LDTs, and LDTs that require a second chance test shall be preconditioned in accordance with the loaded mode procedures specified in subsection (e)(2)(B)(i) of this

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Section. All LDVs, LDTs, LDTs, and HDVs that, because of the vehicle design or configuration, cannot be preconditioned on the dynamometer, shall be preconditioned using the high idle preconditioning procedures specified in subsection (e)(2)(B)(ii) of this Section. The mode starts when the engine speed is between 2200 and 2000 rpm or between 1650 and 1950 rpm on a specified vehicle equipped with a 4-speed automatic transmission. The mode continues for an elapsed time of 30 seconds.

i) Loaded Preconditioning Mode

The mode starts when the dynamometer speed is within the limits specified for the vehicle engine size in accordance with the following schedule. The mode continues for an elapsed time of 30 seconds.

Dynamometer Test Schedule

Number of Cylinders	Roll Speed		Brake Horsepower (kW)
	Mph (km/hr)		
4 or less	22-25 (35-40)	2.8-4.1 (2.1-3.1)	
5 to 6	29-32 (47-52)	6.8-8.4 (5.1-6.3)	
7 or more	32-35 (52-56)	8.4-10.8 (6.3-8.1)	

ii) High Idle Preconditioning Mode

The mode starts when the engine speed is between 2200 and 2800 rpm, or between 1650 and 1950 rpm on specified vehicles equipped with a 4-speed automatic transmission. The mode continues for an elapsed time of 30 seconds.

C) Idle Mode

The mode starts 5 seconds after the dynamometer speed has reached zero if loaded preconditioning has been used, or when the vehicle engine speed is between 350 and 1300 rpm if high idle preconditioning is used. The minimum idle mode length is determined as described in subsection (e)(2)(D) of this Section.

D) The pass/fail analysis begins after an elapsed time of 10 seconds. A pass or fail determination is made for the vehicle and the idle mode is terminated in accordance with the following:

- i) the vehicle passes the idle test and the test terminates on or before an elapsed time of 60 seconds if the measured values are less than or equal to the

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applicable test standards as determined by the procedure described in subsection (d) of this Section; ii) the vehicle fails the idle test and the test terminates if the provisions of subsection (e)(2)(D)(i) are not met within an elapsed time of 60 seconds.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.205 Evaporative System Integrity Test Procedures

a) Applicability

The evaporative system integrity test shall be performed in accordance with the fuel cap leak flow test procedures or fuel cap pressure decay test procedures, and fuel cap visual functional test procedures specified in subsections (b) and (c) of this Section.

b) Test Procedures Procedure

1) Fuel Cap Leak Flow Test

The fuel cap shall be removed from the vehicle's fuel inlet and installed on the fuel cap leak flow tester, using an adapter if necessary. All fuel caps that require a key for removal from the vehicle's fuel inlet shall be tested with the key removed from the lock. At Official Inspection Stations, the lane computer shall provide the lane operator with information as to whether the fuel cap tester can be used to test the vehicle's fuel cap and which adapter, if any, is required, based on one or more of the following items: VIN, make, model, and model year. If the fuel cap can be tested, then the following task shall be performed:

- A) the fuel cap leak flow tester shall be pressurized to 30 ± 1 inch of water. The inspector shall initiate the test. The fuel cap leak flow tester shall measure the fuel cap leak flow rate and simultaneously compare this flow rate with the flow rate through the calibrated orifice;
- B) within fifteen (15) seconds after the depression of the start-test button, the fuel cap leak flow tester shall make a pass/fail determination. Pass/fail analysis shall be determined according to the procedures in subsection (c) of this Section;
- C) fuel caps which have failed an initial integrity test under subsection (c)(4) of this Section shall immediately receive a second-chance fuel cap leak flow test after first ensuring that the fuel cap has been installed on the fuel cap leak flow tester correctly. The procedure contained in subsections (b)(1)(A) and (b)(1)(B) of this Section this subsection shall be repeated; and
- D) at the conclusion of all fuel cap leak flow tests, the fuel

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cap shall be removed from the fuel cap leak flow tester and replaced on the filler neck, ensuring that it is properly tightened.

2) Fuel Cap Pressure Decay Test

The fuel cap shall be removed from the vehicle's fuel inlet and installed on the fuel cap pressure decay tester, using an adapter if necessary. All fuel caps that require a key for removal from the vehicle's fuel inlet shall be tested with the key removed from the lock. At Official Inspection Stations, the lane computer shall provide the lane operator with information as to whether the pressure decay tester can be used to test the vehicle's fuel cap and which adapter, if any, is required, based on one or more of the following items: VIN, make, model, and model year. If the fuel cap can be tested, then the following task shall be performed:

- A) the pressure decay tester shall be pressurized to 28 + 1 inches of water. The inspector shall initiate the test. The pressure decay tester shall monitor the pressure behind the fuel cap and look for pressure decay;
- B) the pressure decay shall be monitored for 10 seconds after stability is achieved for 10 seconds. Pass/fail analysis shall be determined according to the procedures in subsection (c) of this Section;
- C) fuel caps that have failed an initial integrity test under subsection (c)(4) of this Section shall immediately receive a second-chance fuel cap pressure decay test after first ensuring that the fuel cap has been installed on the pressure decay tester correctly. The procedure contained in subsections (b)(2)(A) and (b)(2)(B) of this Section shall be repeated; and
- D) at the conclusion of all fuel cap pressure decay tests, the fuel cap shall be removed from the pressure decay tester and replaced on the filler neck, ensuring that it is properly tightened.

3) Visual Functional Test

If the vehicle has a fuel cap, but the fuel cap cannot be tested using the leak flow or pressure decay test procedures, fuel cap tester---due-to-the-lack-of-proper-testing-information---or equipment---and-if-the-vehicle-is-not-failed-in--accordance--with subsection--(c)(4)--of-this-Section, then the lane-inspector shall perform a visual functional test inspection of the fuel cap shall be performed.

c) Pass/Fail Determination

- 1) Vehicles which are presented for testing with missing, inaccessible, incorrect, non-removable, illegal, or otherwise non-testable fuel caps shall fail the evaporative system integrity test.
- 2) If the vehicle's fuel cap is present and can be tested using

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either the fuel cap leak flow test or the fuel cap pressure decay test test under subsection (b)(1) or (b)(2) of this Section and, if tested, the test result does not exceed either it-meets the fuel cap leak flow rate standard contained in 35 Ill. Adm. Code 240.172(b) or the fuel cap pressure decay standard contained in 35 Ill. Adm. Code 240.172(a) 240, then the vehicle shall pass the evaporative system integrity test.

- 3) If the vehicle's fuel cap is present and is cannot--be tested under the provisions of subsection (b)(3) of this Section, and the test result does not exceed using-the-fuel-cap-tester-but-can receive-a-visual-functional-test-under-subsection-(b)(2)-of--this Section---and--it-meets the visual functional test standard contained in 35 Ill. Adm. Code 240.172(c) 240, then the vehicle shall pass the evaporative system integrity test.

- 4) If the vehicle's a-vehicle fuel cap is tested using either the fuel cap leak flow test or the fuel cap pressure decay test under the provisions of subsection (b)(1) or (b)(2) of this Section subsection--(c)(4)--or--(c)(3), and does not meet the applicable standards contained in 35 Ill. Adm. Code 240.172 240, the vehicle shall fail the evaporative system integrity test.

(AGENCY NOTE: No vehicle will be failed under subsection (c) until applicable standards have been adopted at 35 Ill. Adm. Code 240 and are effective.)

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

Section 276.207 Transient Loaded Mode Exhaust Emissions Test Procedures

a) General Requirements

- 1) The test shall consist of up to 240 seconds of mass emission measurement using a constant volume sampler while the vehicle is driven through a computer-monitored driving cycle on a dynamometer with inertia weight settings appropriate for the weight of the vehicle. The driving cycle shall include acceleration, deceleration, and idle operating modes as specified in subsection (e)(1) of this Section. The 240-second sequence may be ended earlier using fast pass algorithms.

- 2) The emission standards and dynamometer inertia and power absorption settings shall be automatically selected for the vehicle being tested based upon the identification and validation of the following, as needed:

- A) Vehicle type: LDV, LDT1, LDT2, and others as needed;
- B) GVWR;
- C) Chassis model year;
- D) Make;
- E) Model;
- F) Number of cylinders;

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- G) Transmission type;
H) L/VW or ALVW; and
I) Engine displacement.
Alternative computerized methods of selecting dynamometer test conditions, such as VIN decoding, may be used.
- 3) The ambient temperature, absolute humidity, and barometric pressure shall be recorded continuously during the transient test, or as a single set of readings if taken less than 4 minutes prior to the transient driving cycle.
- 4) If the vehicle is shut off, the vehicle shall be restarted as soon as possible before the test and shall be running for at least 30 seconds prior to the transient driving cycle begins.
- 5) If a vehicle stalls during a transient test, the test shall be aborted and restarted. If after 3 attempts the test cannot be completed, the vehicle shall be rejected.
- b) Pre-inspection and Preparation
- 1) Initial tests (i.e., those occurring for the first time in a vehicle's scheduled test cycle) shall be performed without repair or adjustment at the inspection facility prior to the test.
- 2) A test, once initiated, shall be performed in its entirety regardless of intermediate outcomes, except in the case of invalid test conditions or unsafe conditions.
- 3) Tests involving measurement shall be performed with Agency-approved equipment that is operated in accordance with the procedures contained in 40 CFR 85.2234 (Draft), incorporated by reference in Section 276.104(a) of this Part.
- 4) All accessories (air conditioning, heat, defogger, radio, automatic traction control if switchable, etc.) shall be turned off (if necessary, by the inspector).
- 5) The vehicle shall be inspected for exhaust leaks. Audio assessment while blocking exhaust flow or gas measurement of CO[2] or other gases shall be acceptable. Vehicles with leaking exhaust systems shall be rejected from testing.
- 6) Vehicles with missing tailpipe sections that prohibit placement of the exhaust collection system to capture the entire exhaust stream shall be rejected from testing.
- 7) The vehicle temperature gauge, if equipped and operating, shall be checked to assess temperature. If the temperature gauge indicates that the engine is well below normal operating temperature, the vehicle shall receive a second-chance emission test if it fails the initial test for HC or CO. Vehicles in overheated condition shall be rejected from testing.
- 8) Vehicles shall be rejected from testing if drive axle tires:
A) exhibit visible cords, belts, bubbles, cuts, or other damage, or
B) are space-saver spare tires, or
C) are not reasonably sized tires.
- 9) Vehicles' drive axle tires shall be inspected for proper

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- inflation. If one or more of these tires appears low, it shall be inflated to approximately 30 psi, or to tire sidewall pressure, or manufacturer's recommendation.
- 10) Drive axle tires of vehicles subject to additional testing for the purpose of program evaluation under 40 CFR 51.353, incorporated by reference in Section 276.104(d) of this Part, shall have their tires inflated to tire sidewall pressure.
- 11) Background concentrations of HC, CO, NO[x], and CO[2] shall be sampled as specified in 40 CFR 85.2226(b)(2)(iv) (Draft), incorporated by reference in Section 276.104(a) of this Part, to determine background concentration of dilution air. The sample shall be taken for a minimum of 15 seconds within 120 seconds after the start of the transient driving cycle, using the same analyzers used to measure tailpipe emissions. Average readings over the 15 seconds for each gas shall be recorded in the test record. Testing shall be prevented until the average ambient background levels are less than 20 ppmC HC, 35 ppm CO, and 2 ppm NO[x] (when applicable), or outside ambient air levels (not influenced by station exhaust), whichever are greater.
- 12) While a lane is in operation, the CVS shall continuously purge the CVS hose between tests. The blower may be turned off if the CVS is not in operation, but the system shall be purged for 2 minutes prior to the start of a test if the blower has been turned off. The off time shall be computer monitored and recorded to a history file for quality assurance.
- c) Equipment Positioning and Settings
Vehicle positioning and settings shall be conducted according to the method specified in 40 CFR 85.2221(c) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exceptions:
- 1) the cooling fan need only be activated when the ambient temperature exceeds 72°F;
- 2) the parking brake should only be activated on front wheel drive vehicles when possible; and
- 3) the hood will not be opened for cooling purposes.
- d) Vehicle Conditioning
- 1) Queuing Time
When the measured wait time exceeds 20 minutes, the vehicle shall receive a second-chance emission test if the following conditions apply:
A) fails the test; and
B) measured values for HC, CO, and NO[x] (if applicable) are at or below 1.5 times the applicable standards of 35 Ill. Adm. Code 240.
- 2) Program Evaluation
Vehicles selected for additional testing for the purpose of program evaluation under 40 CFR 51.353, incorporated by reference in Section 276.104(d) of this Part, shall receive two full

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transient emission tests of 240 seconds each. Results from both tests and the test order shall be separately recorded in the test record. Emission results shall be provided to the motorist according to the following criteria:

- A) If the vehicle passes both tests, then the first test result shall be provided.
- B) If the vehicle passes one test and fails the other test, then the test results from the passing test shall be provided.
- C) If the vehicle fails both tests, then the test results from the second test shall be provided.

e) Vehicle Emission Test Sequence

1) Transient Driving Cycle

The vehicle shall be driven over the driving cycle contained in Section 276. Table A of this Part.

2) Driving Trace

The inspector shall follow an electronic, visual depiction of the time/speed relationship of the transient driving cycle (hereinafter, the trace). The visual depiction of the trace shall be of sufficient magnification and adequate detail to allow accurate tracking by the driver and shall permit the driver to anticipate upcoming speed changes. The trace shall also clearly indicate gear shifts as specified in subsection (e)(3) of this Section.

3) Shift Schedule

For vehicles with manual transmissions, inspectors shall shift gears according to the following shift schedule:

Shift Sequence	Approximate Speed		Nominal Cycle Time Seconds
	Gear	Miles Per Hour	
1-2	15	25	9.3
2-3	25	40	47.0
De-clutch	15	25	87.9
1-2	15	25	101.6
2-3	25	40	105.5
3-2	17	25	119.0
2-3	25	40	145.8
3-4	40	50	163.6
4-5	45	50	167.0
5-6	50	50	180.0
De-clutch	15	25	234.5

Gear shifts shall occur at the points in the driving cycle where the specified speeds are obtained. For vehicles with fewer than 6 forward gears, the same schedule shall be followed with shifts above the highest gear disregarded.

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4) Speed excursion limits shall apply as follows:

- A) The upper limit is 2 mph higher than the highest point on the trace within 1 second of the given time.
- B) The lower limit is 2 mph lower than the lowest point on the trace within 1 second of the given time.
- C) Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided that they occur for no more than 2 seconds on any occasion.
- D) Speeds lower than those prescribed during accelerations are acceptable provided the vehicle is operating at maximum available power during such accelerations until the vehicle speed is within the excursion limits.
- E) Exceedences of the limits in subsections (e)(4)(A) through (e)(4)(C) of this Section shall automatically result in a void test. Station supervisory personnel can override the automatic void of a test if it is determined that the conditions specified in subsection (e)(4)(D) of this Section occurred. These conditions shall be verified by repeating seconds 0 through 16 of the transient driving cycle as specified in subsection (e) of this Section.
- F) The test shall be aborted and immediately restarted if speed excursion limits are exceeded, except as described in subsection (e)(4)(D) of this Section.

5) Speed Variation Limits

The speed variation limits shall be determined by one of the following methods:

A) Linear Regression Method

- i) A linear regression of feedback value on reference value shall be performed on each transient driving cycle for each speed using the method of least squares, with the best fit equation having the form: $y = mx + b$, where:
 - y = The feedback (actual) value of speed
 - m = The slope of the regression line
 - x = The reference value
 - b = The y-intercept of the regression line
- ii) The SE of y on x shall be calculated for each regression line. A transient driving cycle lasting the full 240 seconds that exceeds the following criteria shall be void and the test shall be repeated:
 - SE = 2.0 mph maximum
 - m = 0.96 - 1.01
 - r(2) = 0.97 minimum
 - b = 2.0 mph
- iii) A transient driving cycle that ends before the full 240 seconds that exceeds the following criteria shall be void and the test shall be repeated:
 - SE = (Reserved)

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m = (Reserved)
 r(2) = (Reserved)
 b = (Reserved)

B) Positive Kinetic Energy (PKE) Method

- i) The speed variation limits shall be determined by the following equation for Positive Kinetic Energy (PKE):

$$E + \sum_{t=0}^N PP[t] / \int_0^N x \, dx$$

where: $PP[t] = V(2)[t] - V(2)[(t-1)]$

$mi(2)/hr(2)$ for $V[t] > V[(t-1)]$

$PP[t] = 0$ for $V[t] < = 0$

x = distance (miles)

$PP[t]$ = Positive Specific Power at time t

$V[t]$ = Velocity at time t

$V[(t-1)]$ = Velocity at time t-1

- ii) A transient driving cycle lasting the full 240 seconds with a PKE value that is below the lower PKE limit for passing vehicles or above the upper limit for failing vehicles shall be void and the test shall be repeated:

Upper Limit: $PKE > 3456 \text{ mi/hr}(2)$

Lower Limit: $PKE < 3082 \text{ mi/hr}(2)$

- iii) A transient driving cycle that ends before the full 240 seconds with a PKE value that is below the lower second-by-second PKE limit for passing vehicles or above the upper second-by-second PKE limit for failing vehicles shall be void and the test shall be repeated. The second-by-second upper and lower PKE limits are specified in Section 276, Table B.

- iv) PKE values shall not be used to make early pass/fail determination.

- 6) The actual distance traveled for the transient driving cycle shall be measured. If the absolute difference between the measured distance and the theoretical distance for the actual test exceeds 0.05 miles, the test shall be void.

- 7) The vehicle shall be rejected if, during the course of the transient loaded mode test, station supervisory personnel verify that the test cannot be completed due to the mechanical condition of the vehicle.

8) Inertia Weight Selection

Operation of the inertia weight selected for the vehicle shall be verified as specified in Section 276.506(a) of this Part. For systems employing electrical inertia simulation, an algorithm identifying the actual inertia force applied during the transient driving cycle shall be used to determine proper inertia

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simulation.

- 9) The CVS operation shall be verified for each test for a CFV-type CVS by measuring either the absolute pressure difference across the venturi or measuring the blower vacuum behind the venturi for minimum levels needed to maintain choke flow for the venturi design. The operation of an SSV-type CVS shall be verified throughout the test by monitoring the difference in pressure between upstream and throat pressure. The minimum values shall be determined from system calibrations. Monitored pressure differences below the minimum values shall void the test.

10) Fuel Economy

For each test, the quality of the overall analysis system shall be evaluated by checking a test vehicle's fuel economy for reasonableness, relative to upper and lower limits, representing the range of fuel economy values normally encountered for the test inertia and horsepower selected. For each inertia selection, the upper fuel economy limit shall be determined using the lowest horsepower setting typically selected for the inertia weight, along with statistical data, test experience, and engineering judgment. A similar process for the lower fuel economy limit shall be used with the highest horsepower setting typically selected for the inertia weight. For test inertia selections where the range of horsepower settings is greater than 5 horsepower, at least two sets of upper and lower fuel economy limits shall be determined and appropriately used for the selected test inertia. Tests with fuel economy results in excess of 1.5 times the upper limit shall result in a void test.

11) System Lockout

If a void occurs as described in subsections (e)(6), (e)(9), or (e)(10) of this Section, then a test lane system lockout shall be initiated. No further testing shall be done until the problem is corrected by station supervisory personnel. At Official Inspection Stations, the vehicle involved shall be immediately retested in a properly operating lane.

f) Transient Loaded Mode Exhaust Gas Test Score Calculations

The transient loaded mode exhaust gas test score shall be determined according to the method specified in 40 CFR 85.2205(b) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exceptions:

- 1) The Phase 2 scores for the test shall be determined by dividing the sum of the mass of each pollutant obtained in each second of the Phase 2 test by the number of miles driven in the Phase 2 test. The first data point is the sample taken from t=94 to t=95. The Phase 2 test score shall be determined by the following equation:

$$\frac{\sum}{\text{SUM}} \text{ grams of emissions}$$

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Phase 2 gpm = t=94

$\frac{s}{\text{SUM}}$ miles traveled
t=94

Where s = duration of test in seconds for fast pass, or s = 239 seconds for complete transient loaded mode exhaust gas test.

2) NO[xe] = Nitrogen oxide concentration of the dilute exhaust sample as measured in ppm and multiplied by 1.03.

3) NO[xd] = Background nitrogen oxide concentration of the dilution air, sampled as described in 40 CFR 85.222l(b)(5) (Draft), incorporated by reference in Section 276.104(a) of this Part, as measured in ppm and multiplied by 1.03.

g) Pass/Fail Determination
Compliance with the transient loaded mode exhaust emission test shall be made in accordance with the standards contained in 35 Ill. Adm. Code 240, Subpart E.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 276.208 On-Road Remote Sensing Test Procedures

a) Applicability

On-road remote sensing tests shall be scheduled to occur at least once a year by the Agency or its designee in each affected county, distributed throughout the inspection areas in proportion to the number of subject vehicles registered in these areas, and performed in accordance with the procedures specified in subsections (b) through (e) of this Section.

b) On-Road Remote Sensing Test Procedure

The on-road remote sensing test shall consist of measuring the concentration of HC, CO, and CO[2], and automatically recording the speed, acceleration, and license plate of each in-use vehicle. Compliance is determined by comparing the measured emission concentration of each pollutant to the on-road remote sensing emission standards contained in 35 Ill. Adm. Code 240.182.

c) Test Site Location Criteria

Test locations for on-road remote sensing tests shall be sited such that:

- 1) cold start vehicle operation conditions are avoided;
- 2) areas where vehicles are generally accelerating or driving at a steady speed uphill are favored;
- 3) areas where vehicles are generally decelerating are avoided;
- 4) areas that could produce high load conditions are avoided;
- 5) traffic is contained to a single lane;
- 6) traffic is high in volume;

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- 7) test equipment is unobtrusive to vehicle operation; and
- 8) adequate median space is provided for safe operation of test equipment.

d) Data Collection

1) The following items shall be collected for each vehicle receiving an on-road remote sensing test:

- A) vehicle license plate number;
- B) date and time of test;
- C) test site reference number;
- D) emission levels for HC, CO, and CO[2]; and
- E) speed and acceleration of vehicle.

2) The following items shall be collected for each on-road remote sensing test site:

- A) test site reference number;
- B) description of test site location; and
- C) slope of test site in degrees.

e) Pass/Fail Determination

The owner of any non-exempt vehicle that has previously been through an in-cycle emissions test and passed the final retest, or is determined to be out of compliance, which is found with an exceedance of the on-road remote sensing emission standards, shall be notified of such exceedance. If a second exceedance occurs prior to the next scheduled in-cycle emissions test, the Agency will reassign the vehicle and notify the owner of a required out-of-cycle exhaust emissions test.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 276.209 On-Board Diagnostic Test Procedures

a) Test Procedures

The OBD test procedure shall be conducted according to the method specified in 40 CFR 85.2222(a), (b), and (c), incorporated by reference in Section 276.104(c) of this Part, with the exception that beginning January 1, 2001, if the readiness evaluation indicates that any on-board tests are not complete the motorist shall be instructed to return after the vehicle has been run under conditions that allow completion of all applicable on-board tests. If the readiness evaluation again indicates that any on-board test is not complete, the vehicle shall be failed.

b) Pass/Fail Determination

The pass/fail determination for OBD testing shall be conducted according to the method specified in 40 CFR 85.2222(d), incorporated by reference in Section 276.104(c) of this Part.

c) OBD Test Report

The OBD test report shall be prepared according to the method specified in 40 CFR 85.2223, incorporated by reference in Section

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276.104(c) of this Part, with the exception that the following statement shall be added to the report for all OBD tests conducted prior to January 1, 2001:

"At the present time, passing the OBD test is not a requirement for passing the Enhanced I/M test. Therefore, this information is being provided strictly as an aid in diagnosing emission-related problems."

AGENCY NOTE: No vehicle shall fail the I/M test on the basis of the OBD test until January 1, 2001.

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART C: STICKER OR CERTIFICATE ISSUANCE, DISPLAY, AND POSSESSION

Section 276.312 Economic Hardship Extension Stickers or Certificates

An Economic Hardship Extension Sticker or Certificate shall be issued by the Agency to the owner(s) of any vehicle that fails a vehicle emissions test but successfully complies with the applicable economic hardship extension requirements of Section 276.404 of this Part. Each Economic Hardship Extension Emissions Inspection Sticker or Certificate will contain the information indicated in Section 276.303 and the words "ECONOMIC HARDSHIP EXTENSION".

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART D: WAIVER AND ECONOMIC HARDSHIP EXTENSION REQUIREMENTS

Section 276.401 Waiver General Requirements

All vehicles subject to inspection under the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B] (see P.A. 90-475, effective August 17, 1997) shall be eligible for a waiver from meeting the applicable vehicle exhaust emission standards contained in 35 Ill. Adm. Code 240 upon submission of proof (as outlined in Section 276-402(b)) to a Waiver State Inspector of compliance with all of the following:

- the vehicle has failed to comply with the applicable vehicle exhaust emission standards for hydrocarbons (HC), carbon monoxide (CO), and carbon monoxide (CO);
- a minimum expenditure of at least \$450 in emission-related repairs exclusive of tampering-related repairs have been made a tow-emissions tuneup (in accordance with the provisions set forth in Section 276-402) has been performed on the vehicle no more than 30 days prior to the request for waiver;
- the vehicle has received all repairs and adjustments for which it is eligible under any emission performance warranty provisions pursuant to Section 207 of the Clean Air Act (42 USC 8-6-7541);

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- the repairs have resulted in an improvement in vehicle emissions as determined by comparison of initial and final retest results; the vehicle has been retested and failed levels of exhaust emissions as measured during the final retest have shown improvement as compared with the initial test results; and
- the Agency determines by normal inspection procedures that the emission control devices with which the vehicle was originally equipped or direct replacements are present and appear to be properly connected and operating; provided, however, that vehicles with emission control devices which are obsolete and cannot be obtained through the original equipment manufacturer, after market manufacturers, or suppliers of used parts are exempt from the requirements of this subsection. Specific reporting requirements with regard to the unavailability of emission control devices shall be completed by the vehicle owner and presented to the Agency as may be specified;

- repairs for vehicles of model year 1981 and later are conducted by a recognized repair technician; and Notwithstanding anything to the contrary, herein, neither a waiver of the vehicle emissions standards nor an emissions inspection sticker or certificate may be issued for a vehicle if such vehicle has not passed the applicable evaporative system integrity test contained in this Part;
- evidence of repair is presented consisting of either signed and dated receipts identifying the vehicle and describing the work performed and amount charged for eligible emission-related repairs, or an affidavit executed by the person performing the eligible emission related repairs.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.403 Denial or Issuance of Waiver

- If the Agency determines that an applicant for a waiver has not complied with all applicable waiver criteria set forth in Section 276.401 of this Part 276-402, the waiver request shall be denied. The Agency shall provide to the applicant a written statement containing the reasons for the denial.
- If the Agency determines that an applicant for a waiver has complied with all waiver criteria set forth in Section 276.401 of this Part, the waiver shall be issued. The Agency shall provide to the applicant a certificate of waiver containing a description of the vehicle, including the manufacturer's vehicle identification number; the issuance date of the waiver; and the expiration date of the waiver.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 276.404 Economic Hardship Extension Requirementsa) Requirements

A one year economic hardship extension sticker or certificate shall be granted by the Agency to the owner(s) of a vehicle upon application if the following criteria are met:

- 1) when tested, the subject vehicle failed to meet applicable emission standards contained in 35 Ill. Adm. Code 240, except that the economic hardship extension sticker or certificate will not be granted if only the applicable fuel cap emissions test standard contained in 35 Ill. Adm. Code 240 is failed;
 - 2) the registered owner(s) of the subject vehicle certifies that his or her, or their, household income qualifies as "low income" as defined in this Part. In the case of multiple registered owners who are not part of the same household, the registered owners must certify that the sum of each registered owner's household income qualifies as "low income" as defined in Section 276.102 of this Part;
 - 3) the current or former owner(s) of a subject vehicle has not previously received an economic hardship extension sticker or certificate for the subject vehicle, or, if an economic hardship extension has previously been issued, the vehicle passed all required emissions tests prior to issuance of another economic hardship extension sticker or certificate;
 - 4) the registered owner(s) of the subject vehicle present(s) either of the following, which shall not include any costs associated with any motor vehicle emission related recall that has been, or is to be, paid by a manufacturer or dealer:
 - A) a written estimate prepared by a recognized repair technician for emission related vehicle repairs, parts or services, including diagnostic fees, related to the failure in the amount of 50 percent or greater of the current waiver repair minimum amount contained in Section 276.402(a)(3) of this Part; or
 - B) if the registered owner(s) intends to perform the necessary services or repairs, the written estimate shall include only the cost of emission related parts;
 - 5) the registered owner(s) of the vehicle grants authorization to the Agency or its representatives to make legitimate inquiries as necessary, including to all relevant State departments or agencies, including but not limited to the Office of the Secretary of State and the Department of Human Services, to verify ownership and income information.
- b) An economic hardship extension sticker or certificate is not transferable to one or more subsequent owners.
 - c) An economic hardship extension sticker or certificate may be revoked by the Agency if the Agency determines that the applicant(s) made false statements on the economic hardship extension application.

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Section 276.501 General Requirements

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART E: TEST EQUIPMENT SPECIFICATIONSSection 276.501 General Requirements

Compliance with Illinois vehicle exhaust and evaporative emissions standards shall be determined by sampling vehicle exhaust and evaporative emissions with the following:

- a) Steady-state idle test equipment meeting the specifications set forth in Sections 276.502 and 276.503 of this Part;
- b) Evaporative system test equipment meeting the specifications set forth in Section 276.504 of this Part; if the fuel cap leak-flow test is used;
- c) Transient loaded mode test equipment meeting the specifications set forth in Sections 276.505 and 276.506 of this Part;
- d) On-road remote sensing test equipment meeting the specifications set forth in Section 276.507 of this Part; and
- e) OBD test equipment meeting the specifications set forth in Section 276.508 of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.502 Steady-State Idle Exhaust Test Analysis Systems Functional Requirements---Steady-State-Idle-Exhaust-Analysis-Systems

The steady-state idle test exhaust analysis system shall meet the functional requirements specified in 40 CFR 85.2225(b) (Draft), incorporated by reference in Section 276.104(a) of this Part with the following exception: the sampling system shall have both a tachometer and a dynamometer. Additionally, all exhaust gas analyzers used at Official Inspection Stations shall be capable of:

- a) providing reliable, continuous service under high throughput (i.e., 25 tests per hour minimum) conditions; All exhaust-gas analyzers shall be capable of sampling and measuring motor-vehicle exhaust concentrations of hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO₂) during idle operating conditions;
- b) making an automatic selection of the proper emission standard for each vehicle tested; All exhaust-gas analyzers used at Official Inspection Stations shall be capable of performing the following additional functions (this subsection (b) does not apply to testing conducted pursuant to Subpart G---Pilot Testing Requirements):
 - 1) providing reliable, continuous service under high throughput (i.e., 25 tests per hour minimum) conditions;
 - 2) providing for the automatic selection of the proper emission standard for each vehicle tested;
 - 3) providing for an automatic pass/fail determination for each

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- vehicle-tested;
- 4) recording-of-test-data-in-machine-readable--(computer)--form--for subsequent-data-processing-and-analysis;
 - 5) providing--for-instantaneous-printing-of-duplicate-copies-of-test results--and
 - 6) providing-for-the--following-quality--assurance/quality-control features:
 - A) automatic-HG-hangup--check--with--purging--to--begin--upon completion-of-each-test;
 - B) automatic--zero-and-electrical-span-to-be-conducted-prior-to each-test;
 - C) automatic-leak-check-capability-with-provisions--for--weekly checks--pursuant--to--requirements-of-the-E-S--Environmental Protection-Agency-as-set-forth-in-40-CFR-057-Subpart-W--and B) automatic-span-gas-calibration;
 - c) making automatic pass/fail determinations for each vehicle tested;
 - d) recording test data in machine-readable (computer) form for subsequent data processing and analysis;
 - e) making an instantaneous printing of duplicate copies of test results; and
 - f) meeting the equipment calibration requirements in Section 276.602 of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.503 Steady-State Idle Test Exhaust Analysis Systems Performer ; Criteria----Steady-State-Idle-Test-Exhaust-Analysis-Systems

The steady-state idle test exhaust analysis system shall meet the performance criteria specified in 40 CFR 85.2225(c) (Draft), incorporated by reference in Section 276.104(a) of this Part. All-exhaust-gas-analyzers-shall-meet--the following-criteria:

- a) Accuracy

The-accuracy-of-all-exhaust-gas-analyzers-shall-be-within-the following-limits:

 - 1) HC-(as-hexane): 0---400-ppm+-12-ppm
(parts-per-million)
400---1000-ppm+-30-ppm
1000---2000-ppm+-60-ppm
-0-2%+-0-06%
-2-5%+-0-15%
5-10%+-0-30%
-0-10%+-0-5%
10-14%+-0-9%
- 2) CO: 0
- 3) CO₂:
- b) Response-Time

The-response-time-of-all-exhaust-gas-analyzers-shall-be-eight--(8) seconds-to-90%--of-the-final-reading.

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- c) Bias

The--zero-and-span-drift-of-all-exhaust-gas-analyzers-shall-not-exceed +-15-ppm-HC+-0-1%--CO+-and+-0-5%--CO₂--during-a-one-hour-period.
- d) Interference-Effects
 - 1) HC-measurements-shall--not--deviate--more--than--+-10--ppm--when sampling-the-following-concentrations-of-non-interest-gases:

15%--CO₂--in-N₂

10%--CO--in-N₂

3000-ppm--NO--in-N₂

10%--O₂--in-N₂

-3%--H₂O-vapor-in-air
 - 2) CO-measurements-shall-not-deviate-more-than+-0-05%--when-sampling the-following-concentrations-of-non-interest-gases:

15%--CO₂--in-N₂

1600%--ppm--HC--in-N₂

3000-ppm--NO--in-N₂

10%--O₂--in-N₂

3%--H₂O-vapor-in-air
 - 3) CO₂--measurements--shall--not--deviate--more--than--+-0-5%--when sampling-the-following-concentrations-of-non-interest-gases:

1600%--ppm--HC--in-N₂

10%--CO--in-N₂

3000-ppm--NO--in-N₂

10%--O₂--in-N₂

-3%--H₂O-vapor-in-air
- e) Sensitivity

The-sensitivity-of-all-exhaust-gas-analyzers-shall-be-1-ppm-HC--0-01%--CO--and-0-01%--CO₂.
- f) Repeatability

The--repeatability--of--all-exhaust-gas-analyzers-shall-be-within+-10 ppm-HC+-0-5%--CO+-and+-0-2%--CO₂--during-5-successive--measurements of-the-same-sample.
- g) Range-of-Measurement

All-exhaust-gas-analyzers-shall-have-a-range-of-0---3000-ppm-HC--0---10%--CO--and-0---16%--CO₂.
- h) Temperature-Operating-Range

All-exhaust-gas-analyzers--shall--conform--to--all--specifications--in ambient-temperatures-of-35-to-110-degrees-Fahrenheit.
- i) Temperature-Stability

With-gas-calibrated-at-75-degrees-Fahrenheit--full-scale-(FS)-error-of all-exhaust-gas-analyzers-shall-not-exceed+-4%--within-an-operating range-of+-55-degrees-Fahrenheit-to+-95-degrees-Fahrenheit--with--no adjustments-other-than-adjustments-for-zero-and-mechanical-span.
- j) Humidity-Operating-Range

All-exhaust-gas-analyzers-shall-conform-to-all-specifications--from-0% to-95%--relative-humidity.
- k) Calibration

All-exhaust-gas-analyzers-shall-have-the-capability-of-electronic--and

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gas-calibration-1) Flow-Restriction-Indication

All-exhaust-gas-analyzers--shall--be-operated-within-manufacturer's specifications-for-sample-flow--the-sampling-system-shall-be-equipped with-visual-and/or-audible-warning-that-the-sample-flow-is-not--within operating-limits.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.504 Evaporative System Integrity Test Functional Requirements and Performance Criteria--Evaporative-System-Integrity-Test-(Fuel-Cap-Leak-Flow Tester)

Fuel-cap-leak-flow-testers-(fuel-cap-testers)--used-for--evaporative--system integrity-testing-shall-be:

a) Requirements easily--connected-to-fuel-caps--including-those-tethered to-the-vehicle;

Both fuel cap leak flow testers and fuel cap pressure decay testers used for evaporative system integrity testing shall be:

- 1) easily connected to fuel caps, including those tethered to the vehicle;
- 2) compatible with at least 95 percent of all vehicles required to receive a fuel cap test;
- 3) adaptable as required to test future model year vehicles as they enter the eligible fleet;
- 4) capable of performing the following additional functions (if used at Official Inspection Stations).

A) provide reliable, continuous service under high throughput (i.e., 25 tests per hour minimum) conditions;

B) provide for the automatic selection of the proper fuel cap test equipment (if applicable) for each vehicle tested;

C) provide for an automatic pass/fail determination for each vehicle tested;

5) unaffected by atmospheric variation (i.e., barometric pressure, humidity, temperature, etc.). Test accuracy shall be within 2 percent of stated values from 0°F to 120°F;

6) pressurized using air, Nitrogen (N₂), or an equivalent non-toxic, non-greenhouse, inert gas;

7) capable of controlling the supply pressure and preventing over pressurization;

8) tamper resistant; and

9) designed to avoid damage to the vehicle during installation, testing and removal.

b) Fuel cap pressure decay tester compatible-with-at-least-95-percent--of all-vehicles-required-to-receive-a-fuel-cap-test;

The fuel cap pressure decay tester used for evaporative system integrity testing shall be equipped with a pressure gauge with a

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minimum range of 0 to 50 inches of water and an accuracy of 0.3 inches of water or 2 percent of point, whichever is greater.

c) Fuel cap leak flow tester adaptable-as-required-to-test-future-model year-vehicles-as-they-enter-the-eligible-fleet;
The fuel cap leak flow tester used for evaporative system integrity testing shall be:

1) equipped with a serviceable air filter upstream of the flow comparison circuitry;

2) equipped with an automatic shutoff and a low-battery indicator if battery powered;

3) supplied with a NIST traceable reference passing fuel cap of nominal 52 to 56 cc/min for daily test verification;

4) supplied with a NIST traceable reference failing fuel cap of nominal 64 to 68 cc/min for daily test verification;

5) accurate to 3 cc/min at the 60 min flow standard; and

6) able to be modified, either by the manufacturer or an authorized service center, to test at a revised leakage (flow) rate from that originally shipped.

d) capable-of-performing-the-following-additional-functions--(if--used--at Official-Inspection-Stations):

1) provide-reliable-continuous-service-under-high-throughput--(i.e., 25-tests-per-hour-minimum)-conditions;

2) provide-for-the-automatic-selection-of-the-proper-fuel-cap-test equipment--(if-applicable)-for-each-vehicle-tested;

3) provide-for-an-automatic-pass/fail-determination-for-each-vehicle tested;

e) unaffected-by-atmospheric-variation--(i.e., barometric--pressure, humidity--temperature--etc.)--Test-accuracy-shall-be-within-2%-of stated-values-from-0°F-to-120°F;

f) limited-to-a-maximum-test-time-of-fifteen--(15)--seconds--in--duration from-depression-of-start-test-button-to-pass/fail-determination;

g) capable--to--be--modified--either-by-the-manufacturer-or-an-authorized service-center--to-test-at-a-revised-leakage--(flow)--rate--from--that originally-shipped.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.505 Transient Loaded Mode Test Systems Functional Requirements

The transient loaded mode test system shall meet the functional requirements specified in 40 CFR 51.358(b), incorporated by reference in Section 276.104(d) of this Part.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 276.506 Transient Loaded Mode Test Systems Performance Criteria

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a) Dynamometer Specifications

The dynamometer system shall meet the performance criteria specified in 40 CFR 85.2226(a) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exceptions:

- 1) the inertia simulation capability need not be any higher than 5500 pounds;
- 2) the dead weight method is not required for the torque meter or load cell calibration; and
- 3) the vehicle cooling fan is required equipment for all transient loaded mode test systems.

b) Constant Volume Sampler Specifications

The constant volume sampler system shall meet the performance criteria specified in 40 CFR 85.2226(b) (Draft), with one exception: the NO(x) measurement shall be the concentration of nitrogen oxide multiplied by 1.03. The measurement of nitrogen dioxide is not required.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 276.507 On-Road Remote Sensing Test Systems Functional Requirements and Performance Criteria

a) The on-road remote sensing test equipment shall consist of the following:

- 1) an infrared SDM capable of measuring the concentration of HC, CO, and CO[2] present in an in-use vehicle;
- 2) a camera system that automatically photographs vehicle license plates;
- 3) a system that links each emission record to the correct vehicle license plate photograph; and
- 4) a laser based speed and acceleration measurement system.

b) The Infrared SDM shall be of a design certified to meet the following accuracy requirements:

Pollutant	Range	Accuracy
HC	All	+ 150 ppm or + 15 percent of expected HC Concentration
CO	< 3.0 percent	+ 10 percent or 0.25 percent (whichever is greater)
	>3.0 percent	+ 15 percent

c) The speed and acceleration measurement system shall be of a design certified to measure vehicle speed to within + 0.5 miles per hour and vehicle acceleration to within + 0.3 miles per hour per second at the moment exhaust is measured.

(Source: Added at 22 Ill. Reg. _____, effective _____)

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Section 276.508 On-Board Diagnostic Test Systems Functional Requirements and Performance Criteria

The OBD test system shall meet the functional requirements specified in 40 CFR 85.2231, incorporated by reference in Section 276.104(c) of this Part.

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART F: EQUIPMENT MAINTENANCE AND CALIBRATION

Section 276.601 Steady-State Idle Test Equipment Maintenance ---Steady-State Idle-Test-Equipment

All operators of exhaust gas analyzers shall conduct a preventive maintenance and quality control program consisting of the following elements:

- a) an HC hang-up check conducted prior to each test and after the last test of the day; HC hang-up shall not exceed 20 ppm HC prior to any test;
- b) visual inspection of all equipment prior to the first test of the day;
- c) performance of analyzer preventative maintenance (e.g., filter replacement, inspection and cleaning of probes, sample lines, water traps, etc.) according to manufacturer's recommended schedules and as needed; and
- d) all calibration and operating procedures specified in Sections Section 276.602 and 276.603.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.602 Steady-State Idle Test Equipment Calibration ---Steady-State Idle-Test-Equipment

All operators of steady-state idle test exhaust gas analyzers shall comply with the following calibration and operating procedures unless alternative procedures have been approved by the Agency:

- a) exhaust gas analyzers shall be warmed up prior to each vehicle inspection, zero check, span check, or calibration. Analyzers shall be considered to be in a warmed-up condition once stabilized zero readings (readings stabilize for one minute within + 2 percent of full scale, low range on all 3 channels) are obtained.
General-Exhaust-Gas-Analyzer-Calibration--and--Operating--Requirements
All-operators-of-exhaust-gas-analyzers-shall-comply-with-the-following calibration--and--operating--procedures--unless-alternative-procedures have-been-approved-by-the-Agency:
i) exhaust-gas-analyzers-shall-be-warmed-up-prior--to--each--vehicle

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inspection--zero-check--span-check--or-calibration--Analyzers shall-be-considered--to-be-in-a--warm-up--condition--once stabilized--zero--readings--(readings--stabilize--for--one-minute within--2%--of--full-scale--low-range--on--all--three--channels)--are obtained;

2) if--the--sampling--flow-restriction-indicator-is-activated--during any-vehicle-inspection--the-inspection-shall-be-discontinued--No new-inspections-shall-be-performed-until-necessary-repairs-to-the exhaust-gas-analyzer-have-been-completed;

3) exhaust-gas-analyzers-shall-be--zeroed--and--spanned--within--60 minutes--of--each-vehicle-inspection--Ambient-air-may-be-utilized as-a--zero--gas--Either--electronic--or--gas--spanning--may--be utilized;

4) exhaust--gas--analyzers-shall-be-tested-for-sampling-system-leaks prior-to-the-first-vehicle-emissions-inspection--each--day--Break checks--and--gas--span-checks--may-be-combined--into--one--operation;

5) exhaust--gas--analyzers-shall-be-gas-spanned--and--adjusted--(if-the analyzer-response-exceeds--2%--of--span-gas-value--or--exceeds--0.05% 60-and-6-ppm-HC)--prior-to-the-first-vehicle-emissions-inspection each-day;

6) except--as--provided--in--subsection--(a)(7)--of--this-Section--gas spanning--and--adjustment-shall-be-performed--with-a--low-range--gas blend--as--specified--in--subsection--(b)--of--this-Section;

7) exhaust--gas--analyzers--may-be-gas-spanned--and--adjusted--with--high range-gases--provided--that-analyzers--are--immediately-checked--with low-range-gases--to--ensure--compliance--with--U.S.--Environmental Protection-Agency-requirements--as-set-forth--in--40-CFR--85--Subpart W--(1994);

8) multi-point-calibration-shall-be-performed--within--30-days--of--each vehicle-inspection--and

9) multi-point-calibration--shall--be--performed--following--the replacement--of--any--optical--or--electronic--components--which--may cause--variation--in--measurements--before--the--next--vehicle inspection--may-be-conducted;

b) The analyzer shall conduct an automatic zero and span check prior to each test. The span check shall include the HC, CO and CO[2] channels, and the NO and O[2] channels, if present. If zero and/or span drift cause the signal levels to move beyond the adjustment range of the analyzer, it shall lock out from testing.

Span-Calibration-and-Audit-Gases

All-gases-utilized-for-exhaust-gas-analyzer-spanning-calibration-and auditing-shall-be-traceable-to-a-National-Institute-of-Standards-and-Technology-(NIST)-gas--2%.

c) The system shall lock out from testing if sample flow falls below 3 percent of full scale, or causes system response time to exceed 13 seconds to 90 percent of a step change in input, whichever is less.

d) A system leak check shall be performed within 4 hours before the test, and may be performed in conjunction with the gas calibration described

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in subsection (e)(1) of this Section. If a leak check is not performed within 4 hours or if the analyzer fails the leak check, the analyzer shall lock out from testing. The leak check shall be a procedure demonstrated to effectively check the sample hose and probe for leaks and shall be performed in accordance with good engineering practices. An error of more than +2 percent of the reading using low range span gas shall cause the analyzer to lock out from testing and shall require repair of leaks.

e) Gas Calibration

1) On each operating day, analyzers shall automatically require and successfully pass a two-point gas calibration for HC, CO, and CO[2] and shall continually compensate for changes in barometric pressure. Calibration shall be checked within 4 hours before the test and the analyzer adjusted if the reading is more than 2 percent different from the span gas value. Gas calibration shall be accomplished by introducing span gas that meets the requirements of subsection (e)(3) of this Section into the analyzer through the calibration port. If the analyzer reads the span gas within the allowable tolerance range (i.e., the square root sum of the squares of the span gas tolerance described in subsection (e)(3) of this Section and the calibration tolerance, which shall be equal to 2 percent), no adjustment of the analyzer is necessary. The gas calibration procedure shall correct readings that exceed the allowable tolerance range to the center of the allowable tolerance range. The pressure in the sample cell shall be the same with the calibration gas flowing during calibration as with the sample gas flowing during sampling. If the system is not calibrated, or the system fails the calibration check, the analyzer shall lock out from testing.

2) A two point gas calibration procedure shall be followed. The span shall be accomplished at one of the following pairs of span points:

A) Low

300--ppm propane (HC)

1.0--percent CO

6.0--percent CO[2]

1000--ppm nitric oxide (if equipped with NO)

High

1200--ppm propane (HC)

4.0--percent CO

12.0--percent CO[2]

3000--ppm nitric oxide (if equipped with NO)

B) Low

0--ppm propane (HC)

0.0--percent CO

0.0--percent CO [2]

0--ppm nitric oxide (if equipped with NO)

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High

600--ppm propane (HC)

1.6--percent CO

11.0--percent CO(2)

1200--ppm nitric oxide (if equipped with NO)

- 3) The span gases used for the gas calibration shall be traceable to NIST standards within two percent and shall be within two percent of the span points specified in subsection (e)(2) of this Section.

f) Other Checks

In addition to the other periodic checks described in this Section, those described in subsections (f)(1) and (f)(2) of this Section shall also be used to verify system performance under the special circumstances described therein.

1) Gas Calibration

- A) Each time the analyzer electronic or optical systems are repaired or replaced, a gas calibration shall be performed prior to returning the unit to service.

- B) Monthly multi-point calibrations shall be performed. The calibration curve is checked at 20 percent, 40 percent, 60 percent, and 80 percent of full scale, and must be adjusted or repaired if the specifications in Section 276.503 are not met.

2) Leak Checks

Each time the sample line integrity is broken, a leak check shall be performed prior to testing.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.603 Evaporative System Integrity Test Maintenance and Calibration--Evaporative-System-Integrity-Test-(Fuel-Cap-Leak-Flow-Tester)

Relevant parameters--of--the--fuel-cap-leak-flow-tester--shall--be--inspected--and--their--pass/fail--accuracy--shall--be--verified--at--the--beginning--of--each--operating--day--and--after--five--hours--of--use--each--day--A--fuel-cap-leak-flow-tester--which--fails--an--inspection--shall--be--removed--from--service--until--repaired--and--its--accuracy--verified--

a) Applicability

Relevant parameters of the fuel cap pressure decay tester and leak flow testers shall be inspected according to the procedures contained in this Section.

1) Pressure Decay Tester

- A) The fuel cap pressure decay tester shall be checked for integrity at the beginning of each operating day and after 5 hours of use each day. If, after the fuel cap attachment end of the pressure decay tester is capped and pressurized to between 14 and 28 inches of water, the pressure system

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changes more than 0.2 inches of water over 15 seconds, the pressure decay tester shall be removed from service.

- B) The pressure gauge for the pressure decay tester shall be checked on a weekly basis against a reference gauge. A pressure decay tester that has a deviation in the measured pressure exceeding 0.3 inches of water shall be removed from service.

2) Leak Flow Tester

- A) The accuracy of the leak flow tester shall be verified by testing and correctly identifying the passing and failing reference fuel caps at the beginning of each operating day. Reference fuel caps shall be stored in a dirt and dust free manner to prevent clogging and changes in flow rate. Reference fuel caps shall be stored at the same temperature as the leak flow fuel cap tester to provide accurate flow reference.

- B) Independent flow bench verification of the reference fuel caps and the internal flow standard orifice shall be conducted before initial usage and as recommended by the leak flow tester manufacturer or as suggested by analysis of quality control data. The bend flow verification results shall be traceable to NIST.

- C) The upstream filter for the leak flow tester shall be maintained in accordance with manufacturer's specifications. Any fuel cap leak flow tester or pressure decay tester that fails an inspection shall be removed from service until repaired and its accuracy verified.

- c) The fuel cap adapters shall be checked for leaks or damage following the recommendations of the fuel cap tester manufacturer or the fuel cap adapter supplier.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.605 Transient Loaded Mode Test Equipment Maintenance and Calibration

a) General Requirements

The transient loaded mode test equipment shall meet the general maintenance and calibration requirements specified in 40 CFR 85.2234(a) (Draft), incorporated by reference in Section 276.104(a) of this Part.

b) Dynamometer

The dynamometer equipment shall meet the maintenance and calibration requirements specified in 40 CFR 85.2234(b) (Draft).

c) Constant Volume Sampler

The constant volume sampler test equipment shall meet the maintenance and calibration requirements specified in 40 CFR 85.2234(c) (Draft).

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with one exception: The bag sample check described in 40 CFR 85.2234(c)(6) (Draft) shall be performed during initial acceptance testing.

d) Analysis System

The transient loaded mode test analysis system shall meet the maintenance and calibration requirements specified in 40 CFR 85.2234(d) (Draft), with the following exceptions:

- 1) the zero and up-scale span points shall be checked at 2 hour instead of 3 hour intervals following the daily mid-scale curve check;
- 2) the NO(x) converter check and the NO/NO(x) flow balance are not required;
- 3) the integrator check as specified in 40 CFR 85.2234(d)(9) (Draft) is required; and
- 4) the interference check (laboratory testing) as specified in 40 CFR 85.2234(d)(11) (Draft) is required to be performed instead of the interference check specified in 40 CFR 85.2234(d)(11) (Draft).

e) Gases

The transient loaded mode test analysis system gases shall meet the calibration requirements specified in 40 CFR 85.2234(e) (Draft).

f) Overall System Performance

The overall system performance for the transient loaded mode test shall meet the requirements specified in 40 CFR 85.2234(f) (Draft).

g) Control Charts

The transient loaded mode test analysis system control charts shall meet the requirements specified in 40 CFR 85.2234(g) (Draft), with the following exception: combined control charts for all facilities will be maintained.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 276.606 On-Road Remote Sensing Test Systems Maintenance and Calibration

a) All equipment utilized for on-road remote sensing emission measurement shall be maintained and calibrated according to the manufacturer's specifications.

b) The accuracy of the Infrared SDM shall be verified by measuring the concentration of tri-blend (CO(2), HC, CO) calibration gas released from a specially modified vehicle. A two point gas calibration procedure shall be followed. The span shall be accomplished at the following pair of span points:

- 300-ppm propane (HC)
- 1.0-percent CO
- 6.0-percent CO(2)
- 1200-ppm propane (HC)

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4.0-percent CO

12.0-percent CO(2)

The Infrared SDM shall measure the span gas within the allowable tolerance range specified in Section 276.507(b) of this Part.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 276.607 On-Board Diagnostic Test Systems Maintenance and Calibration

All equipment utilized for OBD test systems shall be maintained and calibrated according to the manufacturer's specifications.

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART G: FLEET SELF TESTING REQUIREMENTS

Section 276.701 General Requirements

a) Any owner or lessee of a fleet of 15 or more vehicles subject to inspection may apply to the Agency for a permit to operate one or more Private Official Inspection (Stations Fleet Inspection Permit).

b) Fleet if--a-fleet inventory vehicles vehicle-is-tested-at-an-Official Inspection-Station-pursuant-to--Section--276-703(f)(3)--it shall be required to receive the same emissions tests and receive the same test results as other vehicles tested at an Official Inspection Station, including the evaporative system integrity test in accordance with the provisions of Section 276.205--if a fleet inventory vehicle is tested at a Private Official Inspection Station, it shall receive an exhaust emissions test and a visual functional fuel cap test.

c) If the Agency substantially amends emissions inspection standards, procedures, or other requirements, it may require emissions inspectors to be re-certified and fleet self-testers to be re-permitted.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.702 Fleet Inspection Permit

The Agency shall issue Fleet Inspection Permits to eligible applicants upon a showing of compliance with the following requirements:

a) Equipment

All fleet inspections shall be conducted utilizing equipment that meets the same functional requirements, performance criteria, maintenance standards, and calibration requirements as equipment used in Official Inspection Stations. exhaust--gas--analyzers--and tachometers--Exhaust-gas-analyzers-shall-meet--the--requirements--set

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forth-in-Section-276-591-and-Subpart-P.

b) Training

Each fleet inspector shall be required to complete and pass a training course given by the Agency covering the following topics:

- 1) I/M rules and regulations;
- 2) testing procedures;
- 3) analyzer use;
- 4) analyzer calibration and quality control; and
- 5) data recording, record keeping and submittal.

c) Fleet Inspector Proficiency

Fleet inspectors shall demonstrate to the Agency that they are proficient in the use, operation, and maintenance of equipment used in performing emissions tests.

d) General Fleet Inspection Permit Requirements

1) Fleet Inspection Permits shall expire two years after the date of issuance.

2) Fleet Inspection Permits are not transferable.

3) Any change in the name and/or address of any permittee or any fleet inspector(s) employed by the permittee shall be reported to the Agency in writing on forms provided by the Agency within 30 days after of the change.

e) Fleet Inspection Permit Suspension and Revocation

For the following reasons, the Agency may suspend for a period of up to two years or revoke, with the permittee being ineligible to reapply for two years, a Fleet Inspection Permit:

- 1) the permittee has violated any provision of this rule;
- 2) the permittee has provided false or misleading information in its application for a Fleet Inspection Permit;
- 3) the permittee has failed to keep proper records as required by the Agency in that:
 - i) the permittee has failed to notify the Agency of a vehicle's emissions test results within 45 days after the date of inspection;
 - ii) the permittee has failed to notify the Agency that a vehicle has been deleted from its vehicle inventory within 60 days after the vehicle's disposal; or
 - iii) 20 percent of the vehicles in the permittee's fleet have expired compliance stickers or certificates;
- 4) the permittee has misrepresented any information provided in fleet vehicle lists, vehicle inspection reports, and/or equipment maintenance and calibration reports;
- 5) the number of vehicles subject to inspection in the permittee's fleet becomes less than 15.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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a) Vehicle Eligibility

1) The permittee shall furnish the Agency with a list of all vehicles subject to inspection and for which fleet inspection is requested. The Agency shall provide forms to the permittee for the purpose of establishing a fleet vehicle inventory and requesting vehicle inspection dates. The information shall be submitted to the Agency either on the forms supplied, or by electronic media in the format required by the Agency. When the Agency approves or denies the fleet vehicle inspection dates, it shall notify the fleet tester and, if approved, provide test forms to the fleet for submission to the Agency after testing.

2) The permittee shall notify the Agency in writing on forms provided by the Agency or by electronic media in the format required by the Agency in the event that any vehicles in the fleet inventory are sold or otherwise removed from fleet service. This notification shall be made within 30 days after the end of the month the vehicle is removed from fleet service.

3) Unless authorized by the Agency, vehicles contained in the fleet vehicle inventory pursuant to subsection (a) of this Section shall only be inspected at Private Official Inspection Stations. If authorization is given by the Agency for a vehicle contained in the fleet vehicle inventory to be tested or retested at an Official Inspection Station, any subsequent retests in that vehicle's testing cycle shall be conducted at an Official Inspection Station.

b) Inspection Frequency/Scheduling

All vehicles in the fleet inventory shall be inspected biennially.

Upon Agency approval, the Assigned Test Months and sticker or compliance certificate expiration dates become compliance deadlines for use in program enforcement. Agency approval shall be based on the availability of personnel to audit the performance of inspections and the ability of the fleet operators to meet the proposed schedule (this will be determined by the number of vehicles to be inspected and the number of inspectors available).

c) Inspection Reports and Stickers or Certificates

1) A Vehicle Inspection Report shall be submitted to the Agency for each vehicle that passes or fails an emissions inspection or qualifies-for-a-waiver. Inspection results shall be reported on forms provided by the Agency. Inspection results shall be submitted to the Agency within 45 days after the date of inspection.

2) Following review and processing, the Agency shall validate inspection stickers or certificates for all vehicles complying with program requirements. If the Agency determines that a vehicle inspection report is deficient, a sticker or certificate will not be validated and it shall return the inspection report along with instructions to correct the identified deficiencies.

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- 3) The permittee shall be responsible for the security and accountability of all vehicle inspection stickers or certificates issued to the permittee. In the event of lost or stolen stickers or certificates, the permittee shall notify the Agency in writing within 10 ten business days. Failure to report missing stickers or certificates shall be grounds for suspension or revocation of a Fleet Inspection Permit.
- 4) Inspection stickers or certificates shall be displayed or possessed in accordance with Section 276.310.
- 5) The permittee shall retain a legible copy of each completed Vehicle Inspection Report for a minimum of two years after the date of inspection. The reports shall be made available for Agency review upon request during normal business hours.

d) Equipment, Maintenance and Calibration

- 1) All equipment used for emissions testing in Private Official Inspection Stations ~~exhaust-gas-analyzers-and-tachometers~~ shall meet the functional requirements and performance criteria contained in Subparts E and F of this Part. ~~be-maintained-in-good working-order-in-accordance-with-manufacturer's-specifications-~~
- 2) ~~All-exhaust-gas-analyzers-shall-be-calibrated-utilizing manufacturer-recommended-procedures-and-shall-be-gas-spanned pursuant-to-the-procedures-set-forth-in-Sections-276-601-and 276-602.~~

- 2) ~~3) The permittee shall keep records of all calibrations, leak checks, and other maintenance performed on emissions inspection equipment for two years. The records shall be retained at the fleet facility.~~

All records shall be kept on standardized forms provided by the Agency and shall be made available for Agency review upon request during normal business hours.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.704 Private Official Inspection Station Auditing and Surveillance

The Agency may, on an unscheduled and unannounced basis, during normal business hours, conduct an audit inspection of any Private Official Inspection Stations to determine if inspection equipment is properly operating and calibrated, to review vehicle inspection reports and maintenance records, and to check inspector proficiency. During the course of the audit inspection, the Agency representative may take one or more of the following actions:

- a) ~~Require that if any vehicle emissions test equipment, calibration equipment, or related materials fails to perform as required, such item if-an-exhaust-gas-analyzer-fails-an-Agency-span-gas-or-leak check-and-cannot-be-repaired-or-adjusted-immediately-the-analyzer shall be removed from service until corrective action is taken;~~
- b) ~~any-exhaust-gas-analyzer-or-calibration-gas-cylinder-not-meeting-the~~

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~~requirements-set-forth-in-Sections-276-601-and-276-602-shall-be removed-from-service-anti-corrosive-action-is-taken;~~

b) ~~the fleet inspector may be required to perform an emissions inspection on a fleet vehicle. If no fleet vehicles are available, the fleet inspector may be required to perform an emissions inspection on an Agency vehicle.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART H: GRIEVANCE PROCEDURE

Section 276.803 Agency Investigation

- a) The Director of the Agency or the Director's designee shall appoint an Agency employee to investigate every grievance regarding the failure of an emissions test or the denial of a waiver submitted to the Agency in accordance with this Part.

- b) The Agency's investigation shall be concluded within 45 days after the receipt of the grievance form.

- c) Within the 45 day investigation period, the Agency shall issue written notification to the petitioner, and affected inspector or station indicating the Agency's determination as to the correctness or incorrectness of the decision which precipitated the grievance. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent.

- d) The Agency's ~~agency's~~ written notification shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determinations.

- e) The Agency's written notification may also require that an employee of the Agency or its designee: ~~include-an-order-directing-a-State Inspector:~~

- 1) to issue an emissions inspection sticker or certificate;
- 2) to reinspect the vehicle;
- 3) to apply the standards that the Agency has determined to be applicable; or
- 4) to take any other action that the Agency deems to be appropriate.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART I: NOTICES

Section 276.901 General Requirements

The Agency shall send an Initial Emissions Inspection Notice and, when appropriate, a Warning Notice to owners of vehicles subject to inspection which

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shall state the Assigned Test Month of the initial emissions inspection and be accompanied by a clear statement from the Agency that, based on vehicle records, the vehicle is subject to inspection under the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B] (see P.A. 90-475, effective August 17, 1997). A form accompanying the explanation will be provided to the vehicle owner to allow for correction of any information relied upon by the Agency.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.902 Initial Emissions Inspection Notice

At least 15 days prior to the beginning of the Assigned Test Month, the Agency shall send an Initial Emissions Inspection Notice to the registered owner the vehicle requesting that the vehicle be tested during the Assigned Test Month. This Initial Emissions Inspection Notice shall include the following information:

- a) an Initial Emissions Inspection Sticker or Certificate, or a Corrected or Interim Emissions Inspection Sticker or Certificate, if required;
- b) addresses and operating hours of Official Inspection Stations;
- c) a form or card to be returned to the Agency indicating the reasons the owner believes that the vehicle should not be subject to inspection pursuant to the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B] (see P.A. 90-475, effective August 17, 1998), or cannot comply by the expiration date;
- d) brief explanation of program; and
- e) instructions for vehicle inspections.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 276.903 Warning Notice

If a vehicle has not complied with the provisions of the Vehicle Emissions Inspection Law or the Vehicle Emissions Inspection Law of 1995 [625 ILCS/Ch. 13B], as applicable, within two months before the sticker or certificate expiration date, the Agency shall send a Warning Notice to the vehicle's owner at the registration address currently on file with the Agency. The Warning Notice shall include the following information:

- a) the addresses of Official Inspection Stations near the registration address of the vehicle;
- b) a form or card to be returned to the Agency indicating the reasons the owner believes that the vehicle should not be subject to inspection under the Vehicle Emissions Inspection Law of 1995, or cannot comply by its expiration date; and
- c) a statement of potential penalties for failure to comply with the requirements of the Vehicle Emissions Inspection Law, the Vehicle Emissions Inspection Law of 1995, or this Part, as applicable.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 276. TABLE A Transient Driving Cycle

Time (second)	Speed (mph)
0	0
1	0
2	0
3	0
4	0
5	3
6	5.9
7	8.6
8	11.5
9	14.3
10	16.9
11	17.3
12	18.1
13	20.7
14	21.7
15	22.4
16	22.5
17	22.1
18	21.5
19	20.9
20	20.4
21	19.8
22	17.0
23	14.9
24	14.9
25	15.2
26	15.5
27	16.0
28	17.1
29	19.1
30	21.1
31	22.7
32	22.9
33	22.7
34	22.6
35	21.3
36	19.0
37	17.1
38	15.8
39	15.8
40	17.7
41	19.8
42	21.6
43	23.2

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44	24.2
45	24.6
46	24.9
47	25.0
48	25.7
49	26.1
50	26.7
51	27.5
52	28.6
53	29.3
54	29.8
55	30.1
56	30.4
57	30.7
58	30.7
59	30.5
60	30.4
61	30.3
62	30.4
63	30.8
64	30.4
65	29.9
66	29.5
67	29.8
68	30.3
69	30.7
70	30.9
71	31.0
72	30.9
73	30.4
74	29.8
75	29.9
76	30.2
77	30.7
78	31.2
79	31.8
80	32.2
81	32.4
82	32.2
83	31.7
84	28.6
85	25.1
86	21.6
87	18.1
88	14.6
89	11.1
90	7.6
91	4.1

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92 0.6
93 0
94 0
95 0
96 0
97 0
98 3.3
99 6.6
100 9.9
101 13.2
102 16.5
103 19.8
104 22.2
105 24.3
106 25.8
107 26.4
108 25.7
109 25.1
110 24.7
111 25.2
112 25.4
113 27.2
114 26.5
115 24.0
116 22.7
117 19.4
118 17.7
119 17.2
120 18.1
121 18.6
122 20.0
123 20.7
124 21.7
125 22.4
126 22.5
127 22.1
128 21.5
129 20.9
130 20.4
131 19.8
132 17.0
133 17.1
134 15.8
135 15.8
136 17.7
137 19.8
138 21.6
139 22.2

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140 24.5
141 24.7
142 24.8
143 24.7
144 24.6
145 24.6
146 25.1
147 25.6
148 25.7
149 25.4
150 24.9
151 25.0
152 25.4
153 26.0
154 26.0
155 25.7
156 26.1
157 26.7
158 27.3
159 30.5
160 33.5
161 36.2
162 37.3
163 39.3
164 40.5
165 42.1
166 43.5
167 45.1
168 46.0
169 46.8
170 47.5
171 47.5
172 47.3
173 47.2
174 47.2
175 47.4
176 47.9
177 48.5
178 49.1
179 49.5
180 50.0
181 50.6
182 51.0
183 51.5
184 52.2
185 53.2
186 54.1
187 54.6

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54.9
55.0
54.9
54.6
54.6
54.8
55.1
55.5
55.7
56.1
56.3
56.6
56.7
56.7
56.3
56.0
55.0
53.4
51.6
51.8
52.1
52.3
53.0
53.5
54.0
54.9
55.4
55.6
56.0
56.0
55.8
55.2
54.5
53.6
52.5
51.5
50.5
48.0
44.5
41.0
37.5
34.0
30.5
27.0
23.5
20.0
16.5
13.0

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9.5
6.0
2.5
0

(Source: Added at 22 Ill. Reg. _____, effective _____)

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Section 276. TABLE B Fast-Pass Speed Variation Limits Using Positive Kinetic Energy (PKE) MeasurementsCumulative PKE Limits

<u>Second</u>	<u>Lower</u>	<u>Upper</u>
30	4621	7359
31	4820	7664
32	4650	7380
33	4446	7045
34	4261	6739
35	4100	6474
36	3968	6254
37	3856	6068
38	3759	5905
39	3667	5750
40	3849	6026
41	4074	6367
42	4258	6643
43	4409	6867
44	4451	6920
45	4383	6802
46	4300	6663
47	4188	6478
48	4183	6460
49	4128	6364
50	4109	6323
51	4124	6336
52	4190	6426
53	4186	6410
54	4150	6343
55	4082	6228
56	4017	6119
57	3956	6015
58	3851	5846
59	3752	5686
60	3659	5535
61	3571	5393
62	3501	5278
63	3474	5230
64	3397	5104
65	3323	4985
66	3255	4874
67	3225	4821
68	3220	4806
69	3204	4774

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70	3164	4707
71	3114	4624
72	3055	4529
73	2999	4438
74	2946	4352
75	2906	4285
76	2887	4251
77	2890	4248
78	2893	4245
79	2907	4258
80	2899	4239
81	2871	4191
82	2824	4116
83	2779	4044
84	2740	3980
85	2708	3926
86	2680	3880
87	2658	3842
88	2642	3811
89	2630	3787
90	2622	3770
91	2619	3760
92	2621	3756
93	2624	3754
94	2627	3751
95	2629	3749
96	2632	3746
97	2634	3743
98	2649	3757
99	2691	3811
100	2760	3902
101	2856	4031
102	2978	4196
103	3125	4396
104	3238	4547
105	3342	4685
106	3409	4772
107	3415	4771
108	3378	4712
109	3344	4656
110	3310	4602
111	3310	4594
112	3290	4558
113	3377	4672
114	3342	4616
115	3312	4566
116	3284	4520
117	3261	4481

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<u>118</u>	<u>3241</u>	<u>4445</u>
<u>119</u>	<u>3221</u>	<u>4411</u>
<u>120</u>	<u>3240</u>	<u>4429</u>
<u>121</u>	<u>3241</u>	<u>4423</u>
<u>122</u>	<u>3284</u>	<u>4474</u>
<u>123</u>	<u>3294</u>	<u>4481</u>
<u>124</u>	<u>3320</u>	<u>4509</u>
<u>125</u>	<u>3331</u>	<u>4516</u>
<u>126</u>	<u>3311</u>	<u>4481</u>
<u>127</u>	<u>3286</u>	<u>4440</u>
<u>128</u>	<u>3262</u>	<u>4401</u>
<u>129</u>	<u>3240</u>	<u>4364</u>
<u>130</u>	<u>3219</u>	<u>4327</u>
<u>131</u>	<u>3198</u>	<u>4293</u>
<u>132</u>	<u>3181</u>	<u>4263</u>
<u>133</u>	<u>3168</u>	<u>4239</u>
<u>134</u>	<u>3153</u>	<u>4211</u>
<u>135</u>	<u>3138</u>	<u>4184</u>
<u>136</u>	<u>3192</u>	<u>4248</u>
<u>137</u>	<u>3259</u>	<u>4330</u>
<u>138</u>	<u>3318</u>	<u>4402</u>
<u>139</u>	<u>3324</u>	<u>4403</u>
<u>140</u>	<u>3414</u>	<u>4515</u>
<u>141</u>	<u>3399</u>	<u>4487</u>
<u>142</u>	<u>3379</u>	<u>4453</u>
<u>143</u>	<u>3354</u>	<u>4413</u>
<u>144</u>	<u>3329</u>	<u>4373</u>
<u>145</u>	<u>3305</u>	<u>4334</u>
<u>146</u>	<u>3306</u>	<u>4329</u>
<u>147</u>	<u>3308</u>	<u>4323</u>
<u>148</u>	<u>3288</u>	<u>4291</u>
<u>149</u>	<u>3265</u>	<u>4253</u>
<u>150</u>	<u>3242</u>	<u>4216</u>
<u>151</u>	<u>3224</u>	<u>4186</u>
<u>152</u>	<u>3221</u>	<u>4175</u>
<u>153</u>	<u>3228</u>	<u>4177</u>
<u>154</u>	<u>3205</u>	<u>4141</u>
<u>155</u>	<u>3183</u>	<u>4105</u>
<u>156</u>	<u>3181</u>	<u>4095</u>
<u>157</u>	<u>3188</u>	<u>4098</u>
<u>158</u>	<u>3195</u>	<u>4101</u>
<u>159</u>	<u>3343</u>	<u>4283</u>
<u>160</u>	<u>3491</u>	<u>4465</u>
<u>161</u>	<u>3630</u>	<u>4636</u>
<u>162</u>	<u>3668</u>	<u>4676</u>
<u>163</u>	<u>3769</u>	<u>4796</u>
<u>164</u>	<u>3814</u>	<u>4847</u>
<u>165</u>	<u>3890</u>	<u>4934</u>

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<u>166</u>	<u>3951</u>	<u>5004</u>
<u>167</u>	<u>4029</u>	<u>5094</u>
<u>168</u>	<u>4053</u>	<u>5116</u>
<u>169</u>	<u>4069</u>	<u>5127</u>
<u>170</u>	<u>4077</u>	<u>5129</u>
<u>171</u>	<u>4031</u>	<u>5063</u>
<u>172</u>	<u>3986</u>	<u>4998</u>
<u>173</u>	<u>3942</u>	<u>4935</u>
<u>174</u>	<u>3899</u>	<u>4874</u>
<u>175</u>	<u>3872</u>	<u>4832</u>
<u>176</u>	<u>3868</u>	<u>4818</u>
<u>177</u>	<u>3871</u>	<u>4814</u>
<u>178</u>	<u>3874</u>	<u>4810</u>
<u>179</u>	<u>3862</u>	<u>4787</u>
<u>180</u>	<u>3858</u>	<u>4774</u>
<u>181</u>	<u>3861</u>	<u>4771</u>
<u>182</u>	<u>3850</u>	<u>4749</u>
<u>183</u>	<u>3846</u>	<u>4736</u>
<u>184</u>	<u>3857</u>	<u>4742</u>
<u>185</u>	<u>3890</u>	<u>4774</u>
<u>186</u>	<u>3916</u>	<u>4798</u>
<u>187</u>	<u>3911</u>	<u>4784</u>
<u>188</u>	<u>3892</u>	<u>4753</u>
<u>189</u>	<u>3858</u>	<u>4704</u>
<u>190</u>	<u>3818</u>	<u>4647</u>
<u>191</u>	<u>3779</u>	<u>4592</u>
<u>192</u>	<u>3740</u>	<u>4538</u>
<u>193</u>	<u>3717</u>	<u>4502</u>
<u>194</u>	<u>3701</u>	<u>4475</u>
<u>195</u>	<u>3692</u>	<u>4458</u>
<u>196</u>	<u>3670</u>	<u>4423</u>
<u>197</u>	<u>3662</u>	<u>4406</u>
<u>198</u>	<u>3640</u>	<u>4373</u>
<u>199</u>	<u>3625</u>	<u>4348</u>
<u>200</u>	<u>3597</u>	<u>4307</u>
<u>201</u>	<u>3563</u>	<u>4259</u>
<u>202</u>	<u>3530</u>	<u>4213</u>
<u>203</u>	<u>3498</u>	<u>4167</u>
<u>204</u>	<u>3467</u>	<u>4123</u>
<u>205</u>	<u>3437</u>	<u>4082</u>
<u>206</u>	<u>3409</u>	<u>4042</u>
<u>207</u>	<u>3393</u>	<u>4016</u>
<u>208</u>	<u>3384</u>	<u>3998</u>
<u>209</u>	<u>3380</u>	<u>3987</u>
<u>210</u>	<u>3382</u>	<u>3984</u>
<u>211</u>	<u>3384</u>	<u>3980</u>
<u>212</u>	<u>3387</u>	<u>3976</u>
<u>213</u>	<u>3412</u>	<u>3999</u>

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214	3414	3995
215	3399	3970
216	3395	3959
217	3368	3921
218	3341	3884
219	3316	3848
220	3291	3813
221	3267	3778
222	3243	3746
223	3221	3714
224	3200	3683
225	3180	3654
226	3162	3627
227	3145	3603
228	3131	3580
229	3118	3560
230	3107	3541
231	3096	3525
232	3090	3510
233	3084	3496
234	3079	3487
235	3076	3478
236	3075	3470
237	3075	3465
238	3077	3461
239	3079	3458

(Source: Added at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3) Section Numbers:

340.1000	<u>Proposed Action:</u>
340.1335	Amendments
340.1505	Amendments
340.1510	Amendments
340.1520	Amendments
340.1800	Amendments
340.1900	Amendments
340.1910	Amendments
340.1920	Amendments
340.1930	Repealer
340.1940	Amendments

- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 340 govern the licensure of Illinois Veterans' homes.

In Section 340.330 (Definitions) the definition of "dietitian" is amended to reference the Dietetic and Nutrition Services Practice Act [225 ILCS 30]. The definition of Dietetic Service Supervisor is amended to delete reference to a "qualified" dietitian, since licensed dietitians are deemed to be qualified. The term "qualified" is also deleted in the definition of "Social Worker". Qualification is indicated by licensure status. The definition of "Institutional occupancy" is being deleted, since the term is no longer used in the rules.

In Section 340.1335 (Infection Control) the requirement for a specific Infection Control Committee is being eliminated; instead a facility group, either an infection control committee, quality assurance committee, or other facility entity, shall establish policies and procedures for investigating, controlling, and preventing infections in the facility. Incorporated materials from the U.S. Public Health Service are updated.

In Section 340.1505 (Medical, Nursing and Restorative Services), more specific requirements for meeting residents' needs are being included.

In Section 340.1510 (Communicable Disease Policies), changes in wording are being made so that this Section conforms to corresponding Sections in other Parts governing long-term care facilities.

Section 340.1520 (Tuberculin Skin Test Procedure) is being revised to reference the Department's Control of Tuberculosis Code (77 Ill. Adm. Code 696).

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Section 340.1800 (Resident Record Requirements) is being amended to include requirements for electronic or computer-generated signature, including development of a facility policy permitting such signatures and verification requirements.

Section 340.1900 (Food Service Staff) is being amended to include more specific requirements for consultation in facilities where the food service director is not a dietitian.

Section 340.1910 (Diet Orders) is being amended to include more specific requirements for diet orders and therapeutic diets.

The heading of Section 340.1920 is being changed from "Adequacy of Diet and Meal Pattern" to "Meal Planning," to emphasize that this Section is to be used to plan menus and purchase food. The daily food allowances have been amended to correspond to the Recommended Dietary Allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences. Soy protein has been added as an allowance in the Meat Group. Examples of what constitutes a "serving" have been included in each food group. Four- and five-meal-a-day plans may be used only with Department approval.

Section 340.1930 (therapeutic Diets) is being repealed, since requirements for therapeutic diets are being included in Section 340.1910.

The heading of Section 340.1940 is being changed from "Menu Planning" to "Menus and Foods Records." A requirement that food label information be kept on file for the current menu cycle is being added.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

Section Numbers	Proposed Action	Ill. Reg. Citation
340.1120	Amendments	22 Ill. Reg. 6119
340.1125	New Section	22 Ill. Reg. 6119
340.1310	Amendments	22 Ill. Reg. 6119

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340.1377 Amendments 22 Ill. Reg. 6119

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Illinois veterans' homes

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: No additional requirements

C) Types of Professional Skills Necessary for Compliance: Nursing, dietary, medical records

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section	
340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Ownership Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Determination of the Level of a Violation
340.1230	Plans of Correction and Reports of Correction
340.1240	Calculation of Penalties
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1255	Supported Congregate Living Arrangement Demonstration
340.1260	Waivers

SUBPART B: POLICIES AND FACILITY RECORDS

Section	
340.1300	Facility Policies
340.1310	Admission and Discharge Policies
340.1320	Disaster Preparedness
340.1330	Serious Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nurse Aides
340.1377	Health Care Worker Background Check

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SUBPART C: RESIDENT RIGHTS

Section	
340.1400	Implementation of Resident Rights and Facility Responsibilities
340.1410	General
340.1420	Contract Between Resident and Facility
340.1430	Residents' Advisory Council
340.1440	Abuse and Neglect
340.1450	Communication and Visitation
340.1460	Resident's Funds
340.1470	Transfer or Discharge
340.1480	Complaint Procedures
340.1490	Private Right of Action

SUBPART D: HEALTH SERVICES

Section	
340.1500	Medical Care Policies
340.1505	Medical, Nursing and Restorative Services
340.1510	Communicable Disease Policies
340.1520	Tuberculin Skin Test Procedures
340.1530	Physician Services
340.1535	Dental Programs
340.1540	Life-Sustaining Treatments
340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel
340.1570	Personal Care
340.1580	Restraints
340.1590	None emergency Use of Physical Restraints
340.1600	Emergency Use of Physical Restraints
340.1610	Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620	Medication Administration
340.1630	Self-Administration of Medication

SUBPART E: MEDICATION ADMINISTRATION SERVICES

Section	
340.1650	Medication Policies and Procedures
340.1655	Conformance with Physician's Orders
340.1660	Administration of Medication
340.1665	Control of Medication
340.1670	Labeling and Storage of Medication

SUBPART F: RESIDENT LIVING SERVICES

Section	
340.1700	Recreational and Activity Programs
340.1710	Social Services

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340.1720 Work Programs

SUBPART G: RESIDENT RECORDS

Section

340.1800 Resident Record Requirements
 340.1810 Content of Medical Record
 340.1820 Records Pertaining to Resident's Property
 340.1830 Retention, Transfer, and Inspection of Records
 340.1840 Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section

340.1900 Food Service Staff
 340.1910 Diet Orders
 340.1920 Meal Planning Adequacy-of-Diet-and-Meat-Pattern
 340.1930 Therapeutic Diets (Repealed)
 340.1940 Menu and Food Records Menu-Planning
 340.1950 Food Preparation and Service
 340.1960 Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,
FURNISHINGS, EQUIPMENT AND SUPPLIES

Section

340.2000 Maintenance
 340.2010 Water Supply, Sewage Disposal and Plumbing
 340.2020 Housekeeping
 340.2030 Laundry Services
 340.2040 Furnishings
 340.2050 Equipment and Supplies
 340.TABLE A Heat Index Table/Apparent Temperature
 340.TABLE B Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendments at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 22 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL PROVISIONS

Section 340.1000 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Access - The Right To:

Enter Any Facility;

Communicate privately and without restriction with any resident who consents to the communication;

Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the

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express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act [210 ILCS 45].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Adaptive Equipment - a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 340.1580 as a physical restraint.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 340.1220 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a Type A or Type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

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With respect to a partnership, each partner thereof.

With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Aide - any person providing direct personal care, training or habilitation services to residents.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Chemical Restraint - any drug that is used for discipline or

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convenience and is not required to treat medical symptoms or behavior manifestations of mental illness. (Section 2-106 of the Act)

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience - the use of any restraint by the facility to control resident behavior or maintain a resident, that is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 340.1580 of this Part.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist - any person licensed to practice dentistry, including persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

*self-care,
receptive and expressive language,
learning,*

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*mobility,
self-direction,
capacity for independent living, and
economic self-sufficiency; and*

reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801.1 of the Act)

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in paragraphs (2), (3) or (4) of this definition.

Dietitian - a person who is eligible for registration by the American Dietetic Association; or has a baccalaureate degree with major studies in food and nutrition; dietetics; and food service management; has one year of supervisory experience in the dietetic service of a health care institution; and participates annually in continuing dietetic education; is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

Direct Supervision - work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or his designee. (Section

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1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Discipline - any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility or long-term care facility - A private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code [55 ILCS 5], or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:

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A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];

Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140];

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]; or

Any Supportive Residence licensed under the Supportive Residences Licensing Act [210 ILCS 65]. (Section 1-113 of the Act)

Financial Resources - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the

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welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [75 ILCS 5]. (Section 1-114 of the Act)

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

Illinois Veterans' Home - a facility owned but not operated by the Illinois Department of Veterans' Affairs.

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. The Interdisciplinary Team includes at least the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and care givers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Medical Record Practitioner - a person who is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American

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Medical Association and the American Medical Record Association.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or a resident required medical treatment as a result of the alleged failure; or the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

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Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

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Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Physical Restraint - any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body. (Section 2-106 of the Act)

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician - any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable visiting hours - any time between the hours of 10 a.m. and 8 p.m. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid license to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat violation - for purposes of assessing fines under Section 3-305

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of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room with a door which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Social Worker-Qualified - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

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Stockholder of a corporation - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution, or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 340.1130(b)(1).

Sufficient - same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or

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hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: POLICIES AND FACILITY RECORDS

Section 340.1335 Infection Control

a) The administrator shall assume the responsibility for the establishment of policies and procedures designed to control the spread of infections in the facility.

b) The administrator shall establish an infection control committee composed of one or more members of the medical staff, and one or more representatives of each of the services provided by the facility, such as nursing, administration, dietary, pharmacy, housekeeping, maintenance, and other services. (This is not intended to limit the facility's organization of responsibilities. Any group which includes at least these members may constitute this committee.)

a)c) Policies The committee shall establish policies and procedures for investigating, controlling, and preventing infections in the facility. shall be established and followed. A group, either an infection control committee, quality assurance committee, or other facility entity, shall periodically review the results of investigations and activities to control infections. The policies and procedures established by the committee shall be consistent with and include the requirements of the rules of the Department of Public Health entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and

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"Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693). Activities shall be monitored ~~the committee shall monitor staff activities to ensure that these policies and procedures are followed.~~ b)d) Each facility shall adhere to the recommendations of the U.S. Public Health Service contained in the publication entitled "Guidelines for the Prevention and Control of Nosocomial Infections." The publication may be obtained from the Center for Infectious Diseases, Centers for Disease Control, U.S. Public Health Service, Department of Health and Human Services, Atlanta, Georgia 30333. This publication includes the following guidelines:

- 1) "Guideline for Prevention of Catheter-Associated Urinary Tract Infections" (October 1981).
- 2) "Guideline for Handwashing and Hospital Environmental Control" (1985).
- 3) "Guideline for Prevention of Intravascular Infections" (October 1981).
- 4) "Guideline for Prevention of Surgical Wound Infections" (March 1982, Revised 1985).
- 5) "Guideline for Prevention of Nosocomial Pneumonia" (July 1982).
- 6) "Guideline for Isolation Precautions in Hospitals" (July 1983).
- 7) "Guideline for Infection Control in Hospital Personnel" (July 1983).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: HEALTH SERVICES

Section 340.1505 Medical, Nursing and Restorative Services

a) The facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of the resident, in accordance with each resident's comprehensive assessment and plan of care. Adequate and properly supervised nursing care shall be provided to each resident to meet the total nursing care needs of the resident.

b) Restorative/rehabilitative nursing measures shall be practiced on a 24-hour-day, seven-day-week basis. Those procedures requiring medical approval shall be ordered by the attending physician.

- 1) The licensed nurse in charge of the restorative/rehabilitative nursing program shall have successfully completed a course or other training program that includes at least 60 hours of classroom/lab training in restorative/rehabilitative nursing as evidenced by a transcript, certificate, diploma, or other written documentation from an accredited school or recognized accrediting agency such as a State or National organization of nursing or a state licensing authority. This person may be the Director of Nursing Services, Assistant Director of Nursing Services or

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- another nurse designated by the Director of Nursing Services to be in charge of the restorative/rehabilitative nursing program.
- 2) All nursing personnel shall assist and encourage residents so that a resident who enters the facility without a limited range of motion does not experience reduction in range of motion unless the resident's clinical condition demonstrates that a reduction in range of motion is unavoidable. All nursing personnel shall assist and encourage residents so that a resident with a limited range of motion receives appropriate treatment and services to increase range of motion and/or prevent further decrease in range of motion. All nursing personnel shall encourage and assist residents in maintaining good body alignment while standing, sitting or lying in bed.
- 3) All nursing personnel shall assist and encourage residents so that a resident who is incontinent of bowel and/or bladder receives the appropriate treatment and services to prevent urinary tract infections and to restore as much normal bladder function as possible. All nursing personnel shall assist residents so that a resident who enters the facility without an indwelling catheter is not catheterized unless the resident's clinical condition demonstrates that catheterization was necessary. All nursing personnel shall assist and encourage residents with ambulation as often as necessary but not less than daily unless otherwise ordered by the physician.
- 4) All nursing personnel shall assist and encourage residents so that a resident's abilities in activities of daily living do not diminish unless circumstances of the individual's clinical condition demonstrate that diminution was unavoidable. This includes the resident's abilities to bathe, dress, and groom; transfer and ambulate; toilet; eat; and use speech, language or other functional communication systems. A resident who is unable to carry out activities of daily living shall receive the services necessary to maintain good nutrition, grooming, and personal hygiene. All nursing personnel shall teach and assist residents with safe transfer activities in an effort to help them retain or regain their maximum level of independence.
- 5) All nursing personnel shall assist and encourage residents with ambulation and safe transfer activities as necessary in an effort to help them retain or maintain their highest practicable level of functioning. All nursing personnel shall assist residents in maintaining maximum joint range of motion and active range of motion.
- 6) Residents who are incontinent shall be evaluated for an individualized bowel and bladder program and such a program shall be instituted when appropriate. The use of indwelling catheters shall be discouraged.
- 7) All nursing personnel shall encourage and, when necessary, teach residents to function at their maximum level in all activities of

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- daily living.
- 8) Documentation of resident treatment and the resident's response to the treatment shall be maintained.
- b) General nursing care shall include at a minimum the following and shall be practiced on a 24-hour, seven-day-a-week basis:
- 1) Medications including oral, rectal, hypodermic, intravenous, and intramuscular shall be properly administered.
 - 2) All treatments and procedures shall be administered as ordered by the physician. Treatments and procedures including but not limited to enemas, irrigations, catheterization, applications of dressings or bandages, and supervision of special diets shall be properly carried out as ordered by the physician.
 - 3) Objective observations of changes in a resident's conditions, including mental and emotional changes, as a means for analyzing and determining care required and the need for further medical evaluation and treatment shall be made by nursing staff and recorded in the resident's medical record.
- c) A regular program to prevent and treat pressure sores, heat rashes or other skin breakdown shall be practiced on a 24-hour, seven-day-a-week basis so that a resident who enters the facility without pressure sores does not develop pressure sores unless the individual's clinical condition demonstrates that the pressure sores were unavoidable. A resident having pressure sores shall receive treatment and services to promote healing, prevent infection, and prevent new pressure sores from developing, including but not limited to:
- 1) An evaluation of each resident shall be conducted upon admittance and as necessary to determine the susceptibility of the resident to skin breakdown. Preventive measures and treatment measures shall be carried out by facility staff.
 - 2) Skin care shall be provided which includes but is not limited to bathing, clean linen and clothing each time the resident is in bed or clothing is soiled.
 - 3) Proper equipment shall be utilized to prevent or treat pressure sores such as proper padding between pressure points, adaptive equipment, splints, and water mattresses.
 - 4) An evaluation of each resident's nutritional status shall be conducted to determine if increased nutritional support is needed in the treatment of pressure sores.
 - 5) Residents shall be assisted in being up and out of bed as much as their condition permits. The residents shall be repositioned every two hours whether in bed or out as their conditions indicate.
- d) If physical therapy, occupational therapy, speech therapy or any other specialized rehabilitative service is offered, it shall be provided by, or supervised by, a qualified professional in that specialty and upon the written order of the physician.
- 1) In addition to the provision of direct services, any such qualified professional personnel shall be used as consultants to

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the total restorative program and shall assist with resident evaluation, resident care planning, and inservice education.

- 2) Appropriate records shall be maintained by these personnel. Direct service to individual residents shall be documented on the individual clinical record as set forth in Section 340.1800(e) of this Part. A summary of program consultation and recommendations shall be documented.

- e) All necessary precautions shall be taken to assure that the resident's environment remains as free of accident hazards as possible. All nursing personnel shall evaluate residents to see that each resident receives adequate supervision and assistance to prevent accidents.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 340.1510 Communicable Disease Policies

- a) The facility administrator shall meet assume the responsibility for meeting the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases.

- b) The facility shall not knowingly admit a person A-resident with a communicable, contagious or infectious disease shall not be admitted knowingly, except as allowed in subsection (d) of this Section. A resident who is an individual when suspected of or diagnosed as having any such disease after admission, shall be placed in isolation, if required, in accordance with the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) until isolation can be discontinued or the person can be transferred.

- c) All illnesses required to be reported under the rules of the Department of Public Health entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693) shall be reported immediately to the local health department and to the Department. The facility administrator shall furnish all pertinent information relating to such occurrences. In addition, the Department shall also be informed of all incidents of scabies, Seabies and other skin infestations.

- d) Admission Admissions of persons with communicable, contagious, or infectious diseases Persons with Communicable Contagious or Infectious Diseases.

- 1) Persons with communicable, contagious, or infectious diseases may be admitted under the following conditions:

- A) When a person's infectious condition is directly related to one or more chronic pressure sores decubital ulcers, from which laboratory tests have proven the presence of a pathogenic organism. Such a person resident may be admitted

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if when the facility is capable of implementing appropriate treatment and isolation techniques, to avoid secondary spread of infection.

- B) When a person's condition is communicable, contagious, or infectious only through blood or other body fluid contact, such as hepatitis, acquired immunodeficiency syndrome (AIDS), AIDS-related complex, or human immunodeficiency virus (HIV) infection.

- 2) The facility shall notify the Department no later than five working days after the date of the admission of any person with a communicable, contagious, or infectious condition under subsection (d)(1) of this Section. The notice to the Department shall include at least the date of the admission and the nature of the condition.

- 3) Written approval Permission to admit or keep a person with other communicable, contagious, or infectious diseases may be granted approved by the Department on an individual case basis. Such approval will be dependent upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the person and to adequately safeguard the staff and other residents of the facility from the spread of primary and secondary infections.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 340.1520 Tuberculin Skin Test Procedures

Tuberculin skin tests for employees and residents shall be conducted in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696) requirements in this Section:

- a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.
- b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.
- c) A significant reaction shall be considered to exist when either of the following conditions are present:
- 1) There is an area of induration ten mm or more in diameter, or
- 2) There is an area of induration five mm or more in diameter and the attending physician or local health authority suspects tuberculosis on the basis of disease or exposure.
- d) If the first test is nonsignificant, a second test shall be given at least one week, but no more than three weeks, after the first test.
- e) If the first or second test reaction is significant or if active

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~~tuberculosis-is-suspected-at-any-time-the-attending-physician-or local-health-authority-shall-order-any-further-examinations-and treatment-that-are-considered-necessary-such-as-x-rays-cultures-or sputum-smears.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART G: RESIDENT RECORDS

Section 340.1800 Resident Record Requirements

- a) Each facility shall designate an employee to be responsible for completing, maintaining and preserving the medical records.
- b) Each facility shall have a medical record system that retrieves ~~facilitates-the-retrieval-of~~ information regarding individual residents ~~as-demonstrated-by-the-facility.~~
- c) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible, and available at all times to those personnel authorized by the facility's policies and to the Department's representatives.

- d) Record entries shall meet the following requirements:
 - 1) ~~Record-entries-shall-be-made-by-the-person-providing-or supervising-the-service-or-observing-the-occurrence-that-is-being recorded.~~

- 2) ~~Each-record-entry-shall-be-written-in-ink-or-typed-shall-be signed-dated-and-shall-include-the-profession-or-title-of-the person-making-the-entry.~~

- 1) All entries into the medical record shall be authenticated by the individual who made or authored the entry. "Authentication," for purposes of this Section, means identification of the author of a medical record entry by that author and confirmation that the contents are what the author intended.

- 2) Medical record entries shall include all notes, orders or observations made by direct resident care providers and any other individuals required to make such entries in the medical record, and written interpretive reports of diagnostic tests or specific treatments including, but not limited to, radiologic or laboratory reports and other similar reports.

- 3) Written signatures or initials and electronic signature codes are acceptable as authentication. All signatures or initials, whether written, electronic, or computer generated, shall include the initials of the signer's credentials.

- 4) In order for a facility to employ electronic signatures or computer-generated signature codes for authentication purposes, the facility's governing body, administrator and medical director must adopt a policy that permits authentication by electronic or computer-generated signature. The policy shall identify those

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categories of the medical staff, allied health staff or other personnel within the facility who are authorized to authenticate resident records using electronic or computer-generated signatures.

- 5) At a minimum, the policy shall include adequate safeguards to ensure confidentiality, including, but not limited to, the following:
 - A) Each user must be assigned a unique identifier that is generated through a confidential access code.

- B) The facility must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate use of that particular identifier if it is found that the identifier has been misused.

- "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been inappropriately used.
- C) The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.

- D) The facility periodically must monitor the use of identifiers and take corrective action as needed. The process by which the facility will conduct the monitoring shall be described in the policy.

- 6) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:
 - A) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries separately authenticated and made subsequent in time to the original entry.

- B) The system must make an opportunity available to the user to verify that the document is accurate and that the signature has been properly recorded.
- C) As part of its quality assurance activities, the facility must periodically sample records generated by the system to verify the accuracy and integrity of the system.

- 7) A user may terminate authorization for use of electronic or computer-generated signature upon written notice to the individual responsible for medical records or other person designated by the facility's policy.

- 8) Each report generated by a user must be separately authenticated.

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- e) An ongoing resident record, including progression toward and regression from established resident goals, shall be maintained.
- 1) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change.
- 2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or rehabilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident.
- 3) The record shall include medically defined conditions and prior medical history, medical status, physical and mental functional status, sensory and physical impairments, nutritional status and requirements, special treatments and procedures, mental and psychosocial status, discharge potential, rehabilitation potential, cognitive status and drug therapy.
- f) A medication administration record shall be maintained, which contains the date and time each medication is given, name of drug, dosage, and by whom administered. A medication administration record is not required for residents who have been approved to be fully responsible for their own medications in accordance with Section 340.1630(c).
- g) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. This does not prohibit the use of universal progress notes.
- h) Discharge information shall be completed within 48 hours after the resident leaves the facility. Resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form. The discharge information shall also include reasons for discharge, diagnosis, individual habilitation plan, physical, pertinent medical and social histories, orders, and staff recommendations for immediate care to ensure the optimal continuity of care for the resident.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART H: FOOD SERVICE

Section 340.1900 Food Service Staff

- a) A full-time person each facility shall have a food service supervisor who is a dietitian or dietetic service supervisor shall 7-and-who-has been designated-by-the-administration-to be responsible for the total food and nutrition service services-operation of the facility. The food service supervisor may assume cooking duties but only if these duties do not interfere with the responsibilities of management and supervision.
- b) If the person responsible for the food service supervisor is not a

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- dietitian, the person food-service-supervisor shall have frequent and regularly scheduled consultation from a dietitian. This consultation, given in the facility, shall include consultation-and training in areas ~~all-food--service-procedures~~ such as menu planning and review, food preparation, food storage, food service, safety, sanitation and use of equipment management--of-therapeutic. Clinical management of therapeutic diets shall also be included in consulting, covering areas such as tube feeding; nutritional status and requirements of residents; including weight, height, hematologic and biochemical assessments; physical limitations; adaptive equipment; clinical observations of nutrition, nutritional intake, resident's eating habits and preferences, and dietary restrictions. ~~insertive-education in-appropriate-subject-areas-shall-be-given-to-all-facility-staff-~~
- c) A minimum of ten hours of consulting time per month shall be provided for facilities with 50 or fewer beds. An additional eight hours of consulting time per month shall be provided for each 75 licensed beds or part thereof.
- d) ~~et A~~ There-shall-be sufficient number of food service personnel shall be employed and on duty to meet the dietary needs of all residents eating meals in the facility. Food service staff working hours shall be scheduled to meet the total dietary needs of the residents. All food service employees' time schedules and work assignments shall be posted in the kitchen. Dietary duties and job procedures shall be available in the food service for employees' information and use.
- e) ~~dt~~ Food service personnel shall be in good health and shall practice hygienic food handling techniques and good personal grooming.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 340.1910 Diet Orders

- a) Two or more copies of a current diet manual shall be available and in use. One copy shall be located in the kitchen for use by dietary personnel. Other copies shall be located at each nurses' station for use by physicians when prescribing diets.
- b) ~~et~~ Physicians shall write a diet order, in the medical record, a--diet order for each resident indicating whether the resident is to have a general or a therapeutic diet. The diet shall be served as ordered.
- c) ~~bt~~ A written diet order shall be sent to the food service department when each resident is admitted and each time that the resident's diet is changed. A diet-order-for-each-resident-shall-be-sent-in-writing-to the-food-service-department-for-each-new-admission--and--for-every subsequent--change--in-diet-for-that-resident-as Each change shall be ordered by the his physician. The diet order shall include, at a minimum, but--is--not--it--mited--to the following information: name of resident, room and bed number, type of diet, consistency if other than regular, date diet order is sent to dietary, name of physician

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is-equivalent-as-follows

1) Three (3) ounces (excluding bone, fat and breading) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.

2) Three (3) ounces (excluding skin and breading) of cooked fish or shell fish or 1/2 one-half cup canned fish.

3) Three (3) ounces of natural or processed cheese or 3/4 three-fourths cup cottage cheese.

4) Three (3) eggs (minimum weight of twenty-one (21) ounces per dozen, considered a medium egg). Note: If one egg is served at a meal, breakfast the a protein food of good quality may be reduced from six (6) to five (5) ounces for the remaining meals. If two (2) eggs are served at a meal, a minimum of two ounces of good quality breakfast--the protein shall be served at each of the remaining meals. food-of-good-quality-may-be-reduced-from-six-(6) to-four-(4)-ounces

5) 1 1/2 One cup cooked dried peas or beans, 1/2 six (6) tablespoons of peanut butter, 1/2 one cup nuts, or three-(3)-ounces of-textured--or--soy--bean-entree not more than twice a week and provided that eggs, cheese, milk or lean meat is are served at the same meal.

6) Three ounces of soy protein containing not less than 21 grams of protein, or in combination with other sources of quality protein to equal 21 grams of protein, not more than twice a week and provided that it is acceptable to the resident population. Protein alternatives shall be listed on the menus as such.

7) Combinations of all above examples are acceptable, provided the minimum standard of six (6) ounces of a good quality protein food of-good-quality is served daily and provided that the combinations do not conflict with eye appeal or palatability.

c) Vegetable and Fruit Group: Five or more Four-(4) servings of vegetables or fruits fruits.

1) A One serving consists of: is-equivalent-to-one-half-cup--Within these-four-(4)-daily-servings

A) 1/2 cup chopped raw, cooked, canned or frozen fruit or vegetables;

B) 3/4 cup fruit or vegetable juice; or

C) One cup raw leafy vegetable.

2) The five or more servings shall consist of:

A) Sources of vitamin C

A) One daily serving shall-be of a good source of vitamin C

or-two-(2)-daily-servings-shall-be-of-a-fat-source of-vitamin-C---A-good-source-of-vitamin-C-may-include grapefruit--grapefruit--juice--orange--orange-juice cantaloupe--strawberries--broccoli--brussels--sprouts green-peppers--sweet-red-peppers--A-fat-source-of vitamin-C-may-include-cabbage--coddards---kale

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ordering the diet, and the signature of the person transmitting the order to the food service department.

d) The resident shall be observed to determine acceptance or-tack-of acceptance of the diet, and these observations shall be recorded in the medical resident's record.

e) A therapeutic diet means a diet ordered by the physician as part of a treatment for a disease or clinical condition, to eliminate or decrease certain substances in the diet (e.g., sodium) or to increase certain substances in the diet (e.g., potassium), or to provide food in a form that the resident is able to eat (e.g., mechanically altered diet).

f) All therapeutic diets shall be medically prescribed and shall be planned or approved by a dietitian.

g) The kinds and variations of prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type, in a form easily understood by staff, shall be posted in a convenient location in the kitchen.

h) All oral liquid diets shall be reviewed every 48 hours. Medical soft diets, sometimes known as transitional diets, shall be reviewed every three weeks. All other therapeutic and mechanically altered diets, including commercially prepared formulas that are in liquid form and blenderized liquid diets, shall be reviewed as needed, or at least every three months.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 340.1920 Meal Planning Adequacy-of-Diet-and-Meat-Pattern

a) The facility shall use this Section to plan menus and purchase food. Each resident shall be served food to meet the resident's needs and to meet the Physician's orders. The daily food allowance shall be in meet--the--nutritional needs--of--each--resident-in accordance with the Recommended Dietary Allowances recommended-dietary-allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences and shall include -least:

a) Milk and Milk Products: Two-(2)-servings-of-milk--One-serving-of milk-is-eight-(8) 16 ounces or more of Grade A whole or low fat pasteurized milk where milk is used for fluid consumption. Calcium equivalents for eight ounces of milk; and-is-equivalent-as-follows

1) 1 1/2 ounce natural cheese. One--inch-cube-of--cheddar--type cheese--equals-one-half-cup-milk.

2) Two ounces processed cheese. Two-thirds--cup--cottage-cheese equals-one-half-cup-milk.

3) One cup yogurt. One-cup-ice-cream-equals-one-half-cup-milk.

4) One cup cottage cheese.

b) Meat Group: Two (2) servings of edible-meat--or--other good quality protein food. The following are examples of one serving: One-serving

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kohlrabi--mustard-greens--potatoes--spinach--tomatoes
 tomato--juicer--turnip-greens. (containing at least 60
 mg of vitamin C); or

- ii) Two servings of a fair source of vitamin C. This may be more than one food item and shall contain a total of at least 65 mg of vitamin C.

three--(f) weekly servings shall be of a good source of vitamin--(g) A good source of--vitamin A may include artichokes--broccoli--cantaloupe--carrots--chard--cider--kale--parsnips--pumpkin--sprouts--sweet potatoes--turnips--green--winter squash.

- B) One serving of a good source of vitamin A at least three times a week supplying at least 1000 micrograms of vitamin

- A. Three--(3)--weekly-servings-shall-be-of-a-good-source-of-vitamin-A--A-good-source-of-vitamin-A-may-including-

broccoli7--cantaloupe7--carrots7--chard7---collards7---kale7
vitamin A: a good source of vitamin A may include apricots

- persimmon--pumpkin--spinach--sweet-potato--turnip--green
winter-squash

- C) Other fruits and vegetables including potatoes, which may be served in 1/2 cup or larger portions

- served in 1/3 cup or larger portions.

- grain, enriched or restored products
equals: is-equivalent breads--or--cereals. One

- One slice of bread

1/2 One-half cup of cooked cereal, rice, or pasta.
3/4 Three-fourths cup of dry, ready-to-eat cold cereal.

1/2 hamburger bun, or
one 4-inch in diameter pancake

one 4-inch in diameter pancake.

elements listed in Section 340.1920(a)(1) through (4). For cheese may be used to fulfill the milk or meat requirements.

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needs-
h) Meals for the day shall be planned to provide a variety of foods, variety in texture and good color balance. The following meal patterns shall be used. Each resident shall receive and the facility shall provide at least three meals daily at regular times--comparable to normal meal times in the community.

- 1) Three Meals a Day Plan

Alt Breakfast: Fruit or juice, cereal, meat juice, cereal, Meat (optional, but three-four three to four times per week preferable), bread, butter or margarine, milk, and choice Bread-Butter-or-Margarine-Milk-and-Choices of additional beverage.

B) Main Meal (may be served noon or evening): Soup or juice
 sauce (optional), entrée (quality protein), potato
 potato or potato substitute, vegetable or salad, vegetable
 or-Satday dessert Bessert (preferably fruit unless fruit is
 served as a salad or will be served at other meal), Bread
 Butter-or-Margarine-and-Choice bread, butter or margarine,
 milk and choice of beverage.

C) Lunch or Supper: Soup or juice twice (optional); 7, entree
Entree (quality protein); 7, potato potato or potato
substitute (optional if served at main meal); 7, vegetable or
salad, dessert, Vegetable-or-Salad-Bessert bread, butter
or margarine, milk, and choice Bread-Butter-or-Margarine
Milk-and-Choice of additional beverage.

- 2) Other meal patterns may be used if approval is given by the Department prior to changing from a three meals a day meal

Department prior to changing from a three meals a day meal pattern. Facilities that are using four or five meals a day

patterns on the effective date of this amendatory rulemaking may continue to use that meal pattern for up to one year prior to

gaining Department approval as long as the menus meet subsections

(a)-(g) of this Section. Department approval will be based on,
but not limited to, compliance with the nutritional adequacy

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Section 340.1930 Therapeutic Diets (Repealed)

- a) A therapeutic diet is a diet that varies from the recommended nutritional requirements as specified in Section 340.1920.
- b) All diets or dietary restrictions shall be planned or approved by a dietitian.
- c) The kinds and variations of these prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, information for each specific type shall be posted in the kitchen.
- d) All therapeutic diets, with the exception of liquid and medical soft, shall be reviewed at least every month. Liquid therapeutic diets shall be reviewed every forty-eight (48) hours. Medical soft diets shall be reviewed every three (3) weeks. This review shall be done by licensed nursing personnel or a qualified dietitian with recommendations to the attending physician.
- e) The facility shall have available and in use two (2) or more copies of a current diet manual. One copy shall be located in the kitchen for use by dietary personnel; others shall be located at each nurses' station for use by the physician when prescribing diets.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 340.1940 Menus and Food Records Menu-Planning

- a) Menus, including menus for "sack" lunches and between meal or bedtime snacks, shall be planned at least one week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook used for that purpose. If a notebook is used to document substitutions, it shall include the date of the substitution; the meal at which the substitution was made; the menu as originally written; and the menu as actually served.
- b) The menu for the current week shall be dated and posted in the kitchen. Upon the request of the Department, sample menus shall be submitted for evaluation.
- c) Menus shall be different for the same day of consecutive weeks and adjusted for seasonal difference.
- d) All menus as actually served shall be kept on file at the facility for not less than thirty (30) days.
- e) Food label information for purchased prepared food listing food composition and, when available, nutrient content shall be kept on file in the facility.
- f) Supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two (2) day period shall be maintained on the premises. These supplies shall be

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appropriate to meet the requirements of the menu.
g) Records of all food purchased shall be kept on file in the facility for not less than thirty (30) days.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

- 2) Code Citation: 77 Ill. Adm. Code 350

- 3) Section Numbers: Proposed Action:
 350.330 Amendments
 350.1220 Amendments
 350.1223 New Section
 350.1225 Amendments
 350.1230 Amendments
 350.1610 Amendments
 350.1810 Amendments
 350.1840 Amendments
 350.1850 Amendments
 350.1860 Repealer
 350.1880 Amendments
 350.APPENDIX B Repealer

- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 350 govern the licensure of intermediate care facilities for the developmentally disabled.

In Section 350.330 (Definitions) the definition of "dietitian" is amended to reference the Dietetic and Nutrition Services Practice Act (225 ILCS 30). The definition of Dietetic Service Supervisor is amended to delete reference to a "qualified" dietitian, since licensed dietitians are deemed to be qualified. The term "qualified" is also deleted in the definition of "Social Worker". Qualification is indicated by licensure status. The definition of "Institutional occupancy" is being deleted, since the term is no longer used in the rules.

In Section 350.1220 (Physician Services), provisions for resident evaluation are being clarified, and requirements concerning communicable diseases are being removed from this Section.

A new Section 350.1223 (Communicable Disease Policies) is being added to include policies that were in Section 350.1220, plus new policies that will achieve consistency with the Department's other long-term care rules and the Department's reporting requirements. Infection control provisions are also included.

Section 350.1225 (Tuberculin Skin Test Procedure) is being revised to reference the Department's Control of Tuberculosis Code (77 Ill. Adm. Code 696).

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In Section 350.1230 (Nursing Services) the term "health services supervisor" is being deleted. The term "director of nursing service" is used consistently in the rules. If the director of nursing is a licensed practical nurse, arrangements must be made for consultation in the facility at least four hours each week from a registered nurse. Specific requirements for a comprehensive assessment of a resident's needs have been included.

Section 350.1610 (Resident Record Requirements) is being amended to include requirements for electronic or computer-generated signature, including development of a facility policy permitting such signatures and verification requirements.

Section 350.1810 (Director of Food Services) is being amended to include more specific requirements for consultation in facilities where the food service director is not a dietitian.

Section 350.1840 (Diet Orders) is being amended to include more specific requirements for diet orders and therapeutic diets.

The heading of Section 350.1850 is being changed from "Adequacy of Diet and Meal Pattern" to "Meal Planning," to emphasize that this Section is to be used to plan menus and purchase food. The daily food allowances have been amended to correspond to the Recommended Dietary Allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences. Soy protein has been added as an allowance in the Meat Group. Examples of what constitutes a "serving" have been included in each food group. Four- and five-meal-a-day plans may be used only with Department approval.

Section 350.1860 (Therapeutic Diets) is being repealed, since requirements for therapeutic diets are being included in Section 300.2040.

The heading of Section 350.1880 is being changed from "Menu Planning" to "Menus and Foods Records." A requirement that food label information be kept on file for the current menu cycle is being added.

Section 350.APPENDIX B (Federal Requirements Regarding Patients/Residents' Rights) is being repealed. Resident rights are set forth in Subpart P of the rules.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

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- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? Yes
- 9) Are there any other Proposed Amendments Pending on this Part? Yes

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
350.340	Amendments	21 Ill. Reg. 15379
350.630	Amendments	22 Ill. Reg. 6133
350.631	Amendments	22 Ill. Reg. 6133
350.2630	Amendments	21 Ill. Reg. 15379
350.3230	Repealer	21 Ill. Reg. 15379

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217/782-2043)
[rules @idph.state.il.us]

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Intermediate care facilities for the developmentally disabled

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- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: No additional requirements
- C) Types of Professional Skills Necessary for Compliance: Nursing, dietary, medical records

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

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350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

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350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

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350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff
350.1080	Restraints
350.1082	Nonemergency Use of Physical Restraints
350.1084	Emergency Use of Physical Restraints
350.1086	Unnecessary, Psychotropic and Antipsychotic Drugs

SUBPART F: HEALTH SERVICES

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350.1210	Health Services
350.1220	Physician Services
350.1223	Communicable Diseases Policies
350.1225	Tuberculin Skin Test Procedures
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350.1850	<u>Adequacy-of-Diet-and Meal Planning Pattern</u>
350.1860	<u>Therapeutic Diets (Repealed)</u>
350.1870	Scheduling Meals
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350.1890	Food Preparation and Service
350.1900	Food Handling Sanitation
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350.2610	Applicability of These Standards
350.2620	Codes and Standards
350.2630	Preparation of Drawings and Specifications
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SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

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350.2910	Applicability
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350.2970 Living, Dining, Activities Rooms
 350.2980 Treatment and Personal Care
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 350.3000 General Building Requirements
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SUBPART O: RESIDENT'S RIGHTS

Section
 350.3210 General
 350.3220 Medical and Personal Care Program
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SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended

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at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 350.330 Definitions

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The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Access - the right to:

Enter any facility;

Communicate privately and without restriction with any resident who consents to the communication;

Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

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Act - as used in this Part, the Nursing Home Care Act [210 ILCS 45].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Adaptive Equipment - a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 350.1080 as a physical restraint.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 350.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

With respect to a partnership, each partner thereof.

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With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification and is in the process of accumulating the supervised experience required for certification.

Autism - a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under

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pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Chemical restraint - any drug that is used for discipline or convenience and is not required to treat medical symptoms or behavior manifestations of mental illness. (Section 2-106 of the Act)

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Continuing Care Contract - a contract through which a facility agrees

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to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience - the use of any restraint by the facility to control resident behavior or maintain a resident, which is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 350.1080 of this Part.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist - any person licensed to practice dentistry, including persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or rehabilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRRP).

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

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results in substantial functional limitations in 3 or more of the following areas of major life activity:

self-care,
receptive and expressive language,
learning,
mobility,
self-direction,
capacity for independent living, and
economic self-sufficiency; and

reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801 of the Act)

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in paragraphs (2), (3) or (4) of this definition.

Dietitian - a person who ~~is-eligible-for-registration-by-the-American Dietetic Association;--or~~ is a licensed dietitian as provided in the

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Dietetic and Nutrition Services Practice Act [225 ILCS 30] has--a baccalaureate--degree--with--major--studies--in--food--and--nutrition--dietetics;--and--food--service--management;--has--one--year--of--supervisory experience--in--the--dietetic--service--of--a--health--care--institution;--and participates--annually--in--continuing--dietetic--education--

Direct Supervision - work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Discipline - any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the

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license (new or renewal) is to be granted.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled.

Facility or Long-Term Care Facility - a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code (55 ILCS 5), or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];

Any "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140];

Any nursing home or sanatorium operated solely by and for persons

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who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangement Licensure and Certification Act [210 ILCS 135]; or

Any supportive residence licensed under the Supportive Residences Licensing Act [210 ILCS 65]. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total rehabilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance and personal care.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full time - on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a

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facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [75 ILCS 5]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

Individual Education Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program

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to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the

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resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheelchair, or a wheeled platform.

Mobile Resident - any resident who is able to move about either independently or with the aid of an assistive device such as a walker, crutches, a wheelchair, or a wheeled platform.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them

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patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the *Illinois Nursing Act of 1987* [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Assistant - any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered as an occupational therapist under the *Illinois Occupational Therapy Practice Act* [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered as a certified occupational therapy assistant under the *Illinois Occupational Therapy Practice Act*.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the

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total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Physical restraint - any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body. (Section 2-106 of the Act)

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician - any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS

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Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered or certified by the State of Illinois, if required.

Reasonable visiting hours - any time between the hours of 10 a.m. and 8 p.m. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid license to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat Violation - For purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of

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not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room with a door that the resident cannot open.

Self Preservation - the ability to follow directions and recognize

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impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Sheltered Care - maintenance and personal care. (Section 1-124 of the Act)

Social Worker-Qualified - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a Corporation - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution, or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 350.140(a)(3) and 350.150(a)(3).

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Substantial Failure - the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 350.165(b)(1).

Sufficient - same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

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Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART F: HEALTH SERVICES

Section 350.1220 Physician Services

- a) The facility shall have a written program of medical services that reflects the philosophy of care provided, the policies relating to this, and the procedures for implementation of the services. The program shall include the health services provided by the facility and the arrangements to effect a transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility.
- b) The facility shall have ~~where--shall--be~~ a formal arrangement for qualified medical care ~~for--the--facility~~, including care for medical emergencies on a 24 hour, seven days-a-week basis. ~~An--the--facility shall--have--an advisory physician--fully--licensed--to--practice--medicine in--itself--to~~ shall provide advice on general health conditions and practices of the facility.
- c) The services of a physician ~~licensed--to--practice--medicine--in--itself~~ shall be available to every resident in the facility.
- d) The resident or his guardian shall be permitted his choice of physicians.
- e) All residents shall be seen by their physician as often as necessary to assure adequate health care.
- f) Physicians shall participate ~~--when--appropriate~~ in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and follow-up of individualized habilitation programs for treatment.
- g) The statement of treatment goals and management plans shall be reviewed and updated at least semiannually to insure that continuing appropriateness of the goals are appropriate and that--consistency--of management methods are consistent with the goals, and to determine whether and--the--achievement--of progress toward the goals is being achieved or the goals should be reevaluated.
- h) The facility shall maintain effective arrangements through which medical and remedial services required by the resident but not regularly provided within the facility can be obtained promptly when needed.
- i) ~~The administrator--shall assume--the--responsibility--for--meeting--the Department's--rules--entitled--"Control--of--Communicable--Disease--Code"--(77~~

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provided by personnel trained in medically approved first aid procedures.

1) The admission information for a resident shall include diagnoses, summary of present medical findings, psychological findings, medical history, mental and physical functioning capacity, prognosis and an explicit recommendation by the physician with respect to admission to or continued care in the facility; it shall also include orders for medications, treatments, restorative services, diet, specific procedures recorded for the health and safety of the resident activities and plans for continuing care and discharge. If this information is not received with the resident at the time of admission, it must be received within 48 hours.

m) A if a resident who becomes unmanageable--he shall promptly be examined by a physician or a psychiatrist. This medical examination shall be made promptly. A psychologist and members of other appropriate professional disciplines should be consulted, as necessary.

n) No resident shall be discharged without the concurrence of the attending physician. All involuntary discharges and transfers shall be in accordance with Sections 3-401 to 3-423 of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 350.1223 Communicable Diseases Policies

a) The facility shall meet the Control of Communicable Diseases Code (77 Ill. Adm. Code 690) so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases.

b) The facility shall not knowingly admit a person with a communicable, contagious or infectious disease, except as allowed in subsection (d) of this Section. A resident who is suspected of or diagnosed as having any such disease shall be placed in isolation, if required, in accordance with the Control of Communicable Diseases Code until isolation can be discontinued or the person can be transferred.

c) All illnesses required to be reported under the Control of Communicable Diseases Code and Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) shall be reported immediately to the local health department and to the Department. The facility shall furnish all pertinent information relating to such occurrences. In addition, the facility shall also inform the Department of all incidents of scabies and other skin infestations.

d) Admission of Persons with Communicable, Contagious, or Infectious Diseases.

1) Persons with communicable, contagious, or infectious diseases may be admitted under the following conditions:

A) When a person's infectious condition is directly related to one or more chronic pressure sores, from which laboratory

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iii-Adm-Code-690)-so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases.

1) No resident with a communicable, contagious, or infectious disease shall be admitted knowingly. An exception shall be a resident whose only such infectious condition is one or more chronic decubitus ulcers, from which laboratory tests have proven the presence of a pathogenic organism. Such a resident may be admitted when the facility is capable of implementing appropriate treatment and isolation techniques, to avoid secondary spread of infection. Additional exceptions may be requested on an individual case basis. Permission to admit or keep a resident with any other communicable, contagious or infectious disease shall require the written approval of the Department. Such approval will be dependent upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the resident and to adequately safeguard the staff and other residents of the facility from secondary spread of infection. Any resident when suspected or diagnosed as having any communicable, contagious, or infectious disease, shall be placed in the appropriate type of isolation as required by the Department's rules entitled "Control of Communicable Diseases Code (77 Ill. Adm. Code-690)" for the period of time required for each specific disease or until removed from the facility.

k) All illnesses required to be reported under subsection (i) of this Section shall be reported immediately to the local health department and to the Department. The administrator shall furnish all pertinent information relating to such occurrences.

l) Each resident admitted shall have a complete physical examination, within five days prior to admission, or within 72 hours after admission to the facility. This examination report shall include an evaluation of the resident's condition, including height and weight, diagnosis, plan of treatment and recommendations, treatment orders, personal care needs, and permission for participation in facility the activity programs program as determined appropriate by the attending physician. The report shall document inclusion documentation of the presence or absence of tuberculosis infection by tuberculin skin test in accordance with Section 350.1225. The report shall also document inclusion documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores) with grade, size and location specified, and orders for treatment if present. The report shall also include orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered.

1) The facility shall notify the resident's physician of any accident, injury, or change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five percent or more within a period of 30 days.

k) At the time of an accident, immediate first aid treatment shall be

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tests have proven the presence of a pathogenic organism. Such a person may be admitted if the facility is capable of implementing appropriate treatment and isolation techniques to avoid secondary spread of infection.

B) When a person's condition is communicable, contagious, or infectious only through blood or other body fluid contact, such as hepatitis, acquired immunodeficiency syndrome (AIDS), or human immunodeficiency virus (HIV) infection.

2) The facility shall notify the Department no later than five working days after the date of the admission of any person with a communicable, contagious, or infectious disease under subsection (d)(1) of this Section. The notice to the Department shall include at least the date of the admission and the nature of the condition.

3) Written approval to admit or keep a person with other communicable, contagious, or infectious diseases may be granted by the Department on an individual case basis. Such approval will depend upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the person and to safeguard the staff and other residents of the facility from the spread of primary and secondary infections.

e) Infection control: Policies and procedures for investigating, controlling, and preventing infections in the facility shall be established and followed. A group, either an infection control committee, quality assurance committee, or other facility entity, shall periodically review the results of investigations and activities to control infections. The policies and procedures shall be consistent with and include the requirements of the Control of Communicable Diseases Code and Control of Sexually Transmissible Diseases Code. Activities shall be monitored to ensure that these policies and procedures are followed.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 350.1225 Tuberculin Skin Test Procedures

Tuberculin skin test for employees and residents shall be conducted in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696) requirements in this Section.

a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.

b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.

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c) A significant reaction shall be considered to exist when either of the following conditions are present:

1) There is an area of induration of ten mm or more in diameter.

2) There is an area of induration of five mm or more in diameter and the attending physician or local health authority suspects tuberculous on the basis of disease or exposure.

d) If the first test is nonsignificant, a second test shall be given at least one week, but no later than three weeks, after the first test. If the first or second test reaction is significant, or if active tuberculosis is suspected at any time, the attending physician or local health authority shall order any further examinations and treatment which is considered necessary, such as x-rays, cultures, or sputum smears.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 350.1230 Nursing Services

a) Each facility shall have a full-time director of nursing services (DON) health service supervisor who is a registered nurse (RN) or a licensed practical nurse (LPN) whose only responsibility is the immediate supervision of the facility's health services. This person shall be on duty a minimum of 36 hours, four days per week. At least 50 percent of this person's hours shall be regularly scheduled between 7 A.M. and 7 P.M. There shall be a registered nurse or a licensed practical nurse on duty 24 hours per day and seven days per week in charge of health services at all times when the director of nursing services is not on duty.

2) A facility may, with written approval from the Department, have two nurses share the duties of this position if the facility is unable to obtain a full-time person. Such an arrangement will be granted approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full time; and information about the number and availability of licensed nurses in the area. The Department will grant approval only when such

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documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full time full-time.

3) If two persons are to share the position, one shall be designated the DON Health-Services-Supervisor and the other shall be designated the Assistant Director of Nursing ADON Assistant Health-Services-Supervisor. Both of these persons may be registered nurses Registered-Nurses--RN, both may be licensed practical nurses Licensed-Practical-Nurses--LPN, or one may be an RN and the other an LPN. In the latter case, the RN shall be designated the DON Health-Services-Supervisor and the LPN shall be designated the ADON Assistant-Health-Services-Supervisor.

4) In facilities with a capacity of less than 50 beds, this person (or these persons), may also provide direct patient care, and this person's time may be included in meeting the staff to resident ratio requirements.

5) If the director of nursing services is a licensed practical nurse, arrangements shall be made for not less than four hours each week of consultation from a registered nurse in the facility. The consultant shall assist with the development of policies, methods, and procedures relating to the medical program and in-service training for all aspects of personal and nursing care.

b) A licensed-practical-nurse-who-is-the-health-services-supervisor-shall either-be-a-graduate-of-a-State-approved-school-of-practical-nursing or-equivalent---(See-Definitions-Section-950-350-7)

b) Residents shall be provided with nursing services, in accordance with their needs, and which shall include, but are not limited to, the following: The DON shall participate Health-Services-Supervisor's participation in:

- 1) Pre-admission The-pre-admission evaluation study and plan.
 - 2) Evaluation The-evaluation study, program design, and placement of the resident at the time of admission to the facility.
 - 3) Periodic the-periodic reevaluation of the type, extent, and quality of services and programming.
 - 4) Development the-development of discharge plans, and the referral to appropriate community resources.
 - 5) Training in habits in personal hygiene and activities of daily living.
 - 6) Development of a written plan for each resident to provide for nursing services as part of the total habilitation program.
 - 7) Modification of the resident care plan, in terms of the resident's daily needs, as needed.
- c) A registered nurse shall participate, as appropriate, in the planning and implementing the implementation-of training of facility personnel.
- d) Direct care personnel shall be trained in, but are not limited to,

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the following:

1) Detecting signs of illness, dysfunction or maladaptive behavior that warrant medical, nursing or psychosocial intervention. (B) Basic skills required to meet the health needs and problems of the residents. (B)

3) First aid in the presence of accident or illness. (B) e) Sufficient, there-shall-be-available-sufficient, appropriately qualified nursing staff shall be available, which may include currently licensed practical nurses and other supporting personnel, to carry out the various nursing service activities. (A-B)

f) The individual responsible for providing the-provision-of nursing services shall have knowledge and experience in the field of developmental disabilities.

g) Nursing service personnel at all levels of experience and competence shall be assigned responsibilities in accordance with their qualifications. (B)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART H: RESIDENT AND FACILITY RECORDS

Section 350.1610 Resident Record Requirements

a) Each facility shall have a medical record system that retrieves facilities-the-retrieval-of information regarding individual residents as-demonstrated-by-the-facility.

b) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible and available at all times to those personnel authorized by the facility's policies, and to the Department's representatives.

c) Record entries shall meet the following requirements:

1) All entries into the medical record shall be authenticated by the individual who made or authored the entry. "Authentication," for purposes of this Section, means identification of the author of a medical record entry by that author and confirmation that the contents are what the author intended. Record-entries-shall-be made-by-the-person-providing-or-supervising-the-service-or observing-the-occurrence-that-is-being-recorded.

2) Medical record entries shall include all notes, orders or observations made by direct resident care providers and any other individuals required to make such entries in the medical record, and written interpretive reports of diagnostic tests or specific treatments including, but not limited to, radiologic or laboratory reports and other similar reports. Each-record-entry shall-be-written-in-ink-or-typed-shall-be-signed-dated-and shall-include-the-profession-or-title-of-the-person-making-the entry.

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- 3) Written signatures or initials and electronic signature codes are acceptable as authentication. All signatures or initials, whether written, electronic, or computer generated, shall include the initials of the signer's credentials.
- 4) In order for a facility to employ electronic signatures or computer-generated signature codes for authentication purposes, the facility's governing body, administrator and medical director must adopt a policy that permits authentication by electronic or computer-generated signature. The policy shall identify those categories of the medical staff, allied health staff or other personnel within the facility who are authorized to authenticate resident records using electronic or computer-generated signatures.
- 5) At a minimum, the policy shall include adequate safeguards to ensure confidentiality, including, but not limited to, the following:
- Each user must be assigned a unique identifier that is generated through a confidential access code.
 - The facility must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate use of that particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been inappropriately used.
 - The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.
 - The facility periodically must monitor the use of identifiers and take corrective action as needed. The process by which the facility will conduct the monitoring shall be described in the policy.
- 6) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:
- The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.
 - The system must make an opportunity available to the user to verify that the document is accurate and that the signature

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- has been properly recorded.
- As part of its quality activities, the facility must periodically sample records generated by the system to verify the accuracy and integrity of the system.
- 7) A user may terminate authorization for use of electronic or computer-generated signature upon written notice to the individual responsible for medical records or other person designated by the facility's policy.
- 8) Each report generated by a user must be separately authenticated.
- d) All physician's orders, plans of treatment, Medicare or Medicaid certification, recertification statements, and similar documents shall have the authentication original-written-signature of the physician. The use of a physician's rubber stamp signature, with or without initials, is not acceptable.
- e) An ongoing resident record including progression toward and regression from established resident goals shall be maintained. (B)
- The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change. (B)
 - Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or habilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident.
- f) A medication administration record shall be maintained which contains the date and time each medication is given, name of drug, dosage, and by whom administered.
- g) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. Physician ordered procedures that which shall be recorded include, but are not limited to, the prevention and treatment of decubitus ulcers, weight monitoring to determine a resident's weight loss or gain, catheter/ostomy care, blood pressure monitoring, and fluid intake and output.
- h) The records maintained for each resident shall be adequate for:
- Planning and continuously evaluating each resident's habilitation program,
 - Furnishing evidence of each residents progress and response to the habilitation program, and
 - Protecting each resident's legal rights.
- i) The facility may use ~~shall have~~ the option of using universal progress notes in the medical records.
- j) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period. The facility's record retirement policy shall not conflict with the record retention requirements contained in Section 350.1650 300-1040 of this Part.

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k) Discharge information shall be completed within 48 forty-eight hours after the resident leaves the facility. The resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form.

l) Each resident record is the property of the facility. The facility shall be responsible for securing resident record information against loss, defacement, tampering or use by unauthorized persons.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART I: FOOD SERVICE

Section 350.1810 Director of Food Services

a) A Each facility shall have a full-time person, qualified suited by training and experience, shall who has been designated by the administrator to be responsible for the total food and nutrition services service operation of the facility. This person shall be on duty for a minimum of 40 hours each week. (b)

1) This person shall be either a dietitian or a dietetic service supervisor as defined in Section 350-330.

2) The person responsible for the in-facilities of 50 beds or less, the food service supervisor (director) may assume some cooking duties but only if provided these duties do not interfere with the responsibilities of management and supervision.

b) A minimum of eight hours of consulting time per month shall be provided for facilities with 50 or fewer beds. An additional four hours of consulting time per month shall be provided for each 75 licensed beds or part thereof. Consultation if the person responsible for food services is not a dietitian, he shall have frequent and regularly scheduled consultation from a qualified dietitian. This consultation given in the facility shall be not less than eight hours each month and shall include consultation and training in all food service procedures, such as menu planning or review, food preparation, food storage, food service safety, sanitation and management of therapeutic diets and in service education.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 350.1840 Diet Orders

a) Two or more copies of a current diet manual shall be available and in use. One copy shall be located in the kitchen for use by dietary personnel. Other copies shall be located at each nurses' station for

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use by physicians when prescribing diets.

b) Physicians shall write a diet order, in the medical record, a diet order for each resident indicating whether the resident is to have a general or a therapeutic diet, and the diet shall be served as ordered.

c) A written diet order shall be sent to the food service department when each resident is admitted and each time that the resident's diet is changed. Each change shall be ordered by the physician. A diet order for each resident shall be sent in writing to the food service department for each new admission and for every subsequent change in diet for that resident as ordered by his physician. The diet order shall include, at a minimum, but is not limited to the following information: name of resident, room and bed number, type of diet, consistency if other than regular, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department. (See Section 350-1060 for ordering therapeutic diets.)

d) The resident residents shall be observed to determine acceptance of the diet and these observations shall be recorded in the medical his record. (b)

e) A therapeutic diet means a diet ordered by the physician as part of a treatment for a disease or clinical condition, to eliminate or decrease certain substances in the diet (e.g., sodium) or to increase certain substances in the diet (e.g., potassium), or to provide food in a form that the resident is able to eat (e.g., mechanically altered diet).

f) All therapeutic diets shall be medically prescribed and shall be planned or approved by a dietitian.

g) The kinds and variations of prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type, in a form easily understood by staff, shall be posted in a convenient location in the kitchen.

h) All oral liquid diets shall be reviewed every 48 hours. Medical soft diets, sometimes known as transitional diets, shall be reviewed every three weeks. All other therapeutic and mechanically altered diets, including commercially prepared formulas that are in liquid form and blenderized liquid diets, shall be reviewed as needed, or at least every three months.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 350.1850 Meal Planning Adequacy of Diet and Meal Pattern

The facility shall use this Section to plan menus and purchase food. Each resident shall be served food to meet the resident's needs and to meet physician's orders. The daily food allowance for each resident shall be in

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milk) shall not be counted as meeting a required serving.
 h) g) Meals Meat-Patterns--Foods for the day shall be planned to provide a variety of foods, variety in texture and good color balance to--give eye-appeal--to-the-meat. The following meal patterns shall be used.

1) Three Meals A Day Plan

A) Breakfast: Fruit or juice, cereal, meat juice--Cereal--Meat (optional, but three to or four times per week preferable), bread, butter Bready--Butter or margarine, milk, Margarine Milk and choice choice of additional beverage Beverage.

B) Main Meal (may be served noon or evening): Soup or juice juice (optional), appetizer--May--be--served entree Entree (quality protein), potato Potato or potato substitute, vegetable Vegetable or salad, dessert Salad--Bessert (preferably preferably fruit unless fruit is served as a salad or will be served at another other meal), bread, butter or margarine, Bready--Butter or Margarine, and choice choice of beverage Beverage.

C) Lunch or Supper: Soup or juice juice (optional), entree Entree (quality protein), potato Potato or potato substitute (optional optional if served at main meal), vegetable or salad, dessert, bread, butter Vegetable or Salad, Bessert--Bready--Butter or margarine Margarine, milk Milk, and choice choice of additional beverage Beverage.

2) Other meal patterns may be used if approval is given by the Department prior to changing from a three meals a day meal pattern. Facilities that are using four or five meals a day patterns on the effective date of this amendatory rulemaking may continue to use that meal pattern for up to one year prior to gaining Department approval as long as the menus meet subsections (a)-(g) of this Section. Department approval will be based on, but not limited to, compliance with the nutritional adequacy requirements of this Section and the facility's continued ability to serve the menu as approved and to meet the needs of the residents. Four-Meals-A-Day-Plan

A) Breakfast--(7:00--or--7:30--A-M)--juice--Cereal--Meat--or--Roll--Butter--or--Margarine--Milk--and--Choice--of--additional--Beverage

B) Brunch--(10:00--or--10:30--A-M)--Fruit--or--Juice--Main-Bish--(quality protein)--Bready--Rolls--or--Special--Breads--(such--as--French--Toast--or--Pancakes)--Butter--or--Margarine--and--Choice--of--Beverage

C) Full-Binner--(4:00--or--4:30--P-M)--Appetizer--or--Soup--Protein--Entree--Potato--or--Potato--Substitute--Vegetable--Salad--Bessert--Bread--or--Roll--Butter--or--Margarine--Milk--and--Choice--of--additional--Beverage

B) Snack--(7:00--or--7:30--P-M)--Sandwich--(Meat-Group-Filling)--Bight--Bessert--and--Milk--or--Juice

3) Five-Meals-A-Day-Plan

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- A) Continental-Breakfast--(7:00--or--7:30--A-M)--Fruit--Juice--Toast--or--Roll--Butter--or--Margarine--Milk--and--Choice--of--additional--Beverage
- B) Brunch--(10:00--or--10:30--A-M)--Fruit--or--Juice--Cereal--Eggs--or--Meat--Bish--Bread--or--Muffin--or--Special--Toast--Butter--or--Margarine--and--Beverage
- C) Snack--(1:00--or--1:30--P-M)--Soup--with--Crackers--Small--Sandwich--(with--Meat--Group--filling--or--Cheese)--or--Peanut--Butter--and--crackers--and--Milk--or--Beverage
- B) Binner--(4:00--or--4:30--P-M)--Meat--Fish--or--Poultry--Potato--or--Potato--Substitute--Vegetable--Salad--Bread--or--Roll--Butter--or--Margarine--Bessert--Milk--and--Choice--of--additional--Beverage
- B) Snack--(7:00--or--7:30--P-M)--Small--Sandwich--with--Meat--Group--filling--Fruit--Juice--or--Milk--and--Bessert--(such--as--ice--Cream--Cookies--Jellio--Pudding--Gustard--or--Fruit)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 350.1860 Therapeutic Diets (Repealed)

- a) A therapeutic diet order (see Section 350.1040--(a) and (b)) shall include, but is not limited to, the following information: name of resident, room and bed number, type of diet, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department.
- b) Medically prescribed diets shall be recorded in the resident's medical record and served as ordered. The resident shall be observed to determine acceptance of the diet and these observations shall be recorded in his record. (B)
- c) The kinds and variations of these prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type shall be posted in the kitchen.
- d) All oral therapeutic diets, with the exception of liquid and medical soft diets, shall be reviewed at least every three months. Liquid diets shall be reviewed every 40 hours; medical soft diets shall be reviewed every three weeks. This review may be done by nursing personnel with recommendations to the attending physician. (B) The facility shall have available, and in use, two or more copies of a current diet manual approved by the Department. One copy shall be located in the kitchen for use by dietary personnel; other copies shall be located at each nursing station for available use by the physician when prescribing diets.
- f) All special diets or dietary restrictions shall be medically prescribed and shall be planned or approved by a dietitian or nutritionist.

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(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 350.1880 Menus and Food Records Menu-Planning

- a) Menus, including menus for snacks and "sack" lunches or between meal or bedtime snacks, shall be planned at least one week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions," which that is kept in the kitchen. If a notebook is used to document substitutions, it shall include the date of the substitution; the meal at which the substitution was made; the menu as originally written; and the menu as actually served. (b)
- b) The menu for the current week shall be dated and posted in the kitchen. Upon the request of the Department, sample menus shall be submitted for evaluation.
- c) Menus shall be different for the same day of consecutive weeks and adjusted for seasonal differences.
- d) All menus as actually served shall be kept on file at the facility for not less than 30 days.
- e) Supplies of staple food for a minimum of a one week period and of perishable foods for a minimum of a two day period shall be maintained on the premises. These supplies shall be appropriate to meet the requirements of the menu.
- f) Records of all food purchased shall be kept on file in the facility for not less than 30 days.
- g) Food label information for purchased prepared food listing food composition and, when available, nutrient content shall be kept on file in the facility for the current menu cycle.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 350.APPENDIX B Federal Requirements Regarding Residents' Rights (Repealed)

Federal--Register--Volume--407--No--437--Tuesday--March--47--1975--Paragraph 249-12--Standards-for-Intermediate-Care-Facilities

(a)(1)-----

(ii) There are written policies and procedures available to staff residents and the public which:

(b) Ensure that each resident admitted to the facility:

(1) is fully informed of his rights and responsibilities as a resident of all rules and regulations governing resident conduct and responsibilities. Such information must be provided prior to or at the time of admission or in the case of residents already in the facility upon the facility's adoption or amendment of patient rights policies and its receipt must be acknowledged by the resident in writing.

(2) is fully informed prior to or at the time of admission and during stay of services available in the facility and of related charges including any charges for services not covered under the Title XIX program or not covered by the facility's basic per diem rate.

(3) is fully informed by his physician of his health and medical condition unless medically contraindicated (as documented by his physician in his resident record) and is afforded the opportunity to participate in the planning of his health care and medical treatment and to refuse to participate in experimental research;

(4) is transferred or discharged only for medical reasons or for his welfare or that of other patients, or for nonpayment for his stay (except as prohibited by the Title XIX program);

(5) is encouraged and assisted throughout his period of stay to exercise his rights as a resident and as a citizen and to this end may voice grievances and recommend changes in policies and services to facility staff and/or to outside representatives of his choice, free from restraint, interference, coercion, discrimination or reprisal;

(6) May manage his personal financial affairs and to the extent that the facility assists in such management that it is carried out in accordance with paragraph (a)(1)(iii) of this section; (see

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below for (a)(1)(iii)

- (7) Is free from mental and physical abuse, and free from chemical and (except when necessary to protect the resident from injury to himself or others) physical restraints, except as authorized in writing by a physician for a specified period of time or in the case of a mentally retarded individual when authorized in writing by a physician or Qualified Medical Retardation Professional for use during behavior modification sessions;
 - (8) In the case of a mentally retarded individual, participates in a behavior modification program only with the consent of his parent or guardian;
 - (9) Is ensured confidential treatment of his personal health and medical records, and may approve or refuse their release to any individual outside the facility, except in case of his transfer to another health care institution, or as authorized by Federal or State law;
 - (10) Is treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs;
 - (11) Is not required to perform services for the facility that are not included for therapeutic purposes and documented in his plan of care;
 - (12) May associate and communicate privately with persons of his choice, and send and receive his personal mail unopened;
 - (13) May meet with and participate in activities of social, religious, and community groups at his discretion, unless medically contraindicated (as documented by his physician in his resident record);
 - (14) May retain and use his personal clothing and possessions as space permits and
 - (15) If married, is ensured privacy for visits by his/her spouse, if both are residents in the facility, they are permitted to share a room, unless medical contraindicated (as documented by the attending physician in the resident record);
- (e) Provide that all rights and responsibilities in paragraph (a)(1)(iii)(B) through (4) devolve to the resident's guardian next of kin or sponsoring agency(ies) where:

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- (1) a resident is adjudicated incompetent in accordance with State law; or
- (2) his physician has made a documented finding that, because of mental impairment, the resident is incapable of understanding these rights;
- *(a)(1)(iii) A written account, available to residents and their families, is maintained on a current basis for each resident with written receipts for all personal possessions and funds received by or deposited with the facility and for all disbursements made to or on behalf of the resident;

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Numbers:
 390.330 Proposed Action:
 390.1020 Amendments
 390.1035 Amendments
 390.1610 Amendments
 390.1810 Amendments
 390.1840 Amendments
 390.1850 Amendments
 390.1880 Amendments
 390.APPENDIX A Repealer
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 390 govern the licensure of long-term care facilities for persons under age 22.

In Section 390.330 (Definitions) the definition of "dietitian" is amended to reference the Dietetic and Nutrition Services Practice Act [225 ILCS 30]. The definition of Dietetic Service Supervisor is amended to delete reference to a "qualified" dietitian, since licensed dietitians are deemed to be qualified. The term "qualified" is also deleted in the definition of "Social Worker". Qualification is indicated by licensure status. The definition of "Institutional occupancy" is being deleted, since the term is no longer used in the rules.

Section 390.1020 (Medical Services) is being reorganized and updated to include current admission policies and requirements for compliance with other Department Codes. A facility group, either an infection control committee, quality assurance committee, or other facility entity, shall establish policies and procedures for investigating, controlling, and preventing infections in the facility. Incorporated materials from the U.S. Public Health Service are added.

Section 390.1035 (Tuberculin Skin Test Procedure) is being revised to reference the Department's Control of Tuberculosis Code (77 Ill. Adm. Code 696).

Section 390.1610 (Resident Record Requirements) is being amended to include requirements for electronic or computer-generated signature, including development of a facility policy permitting such signatures and verification requirements.

Section 390.1810 (Director of Food Services) is being amended to include

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- more specific requirements for consultation in facilities where the food service director is not a dietitian.

Section 390.1840 (Diet Orders) is being amended to include more specific requirements for diet orders and therapeutic diets.

The heading of Section 390.1850 is being changed from "Adequacy of Diet and Meal Pattern" to "Meal Planning". Requirements for the three meal a day meal plan are being updated. Four- and five-meal-a-day plans may be used only with Department approval.

The heading of Section 390.1880 is being changed from "Menu Planning" to "Menus and Foods Records." A requirement that food label information be kept on file for the current menu cycle is being added.

Section 390.APPENDIX A (Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities) is being repealed.

This material is outdated and inaccurate.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? Yes
- 9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
390.340	Amendments	21 Ill. Reg. 15396
390.630	Amendments	22 Ill. Reg. 6150
390.681	Amendments	22 Ill. Reg. 6150
390.2620	Amendments	21 Ill. Reg. 15396
390.3230	Repealer	21 Ill. Reg. 15396

- 10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

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11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Fifth Floor
Springfield, Illinois 62761
217/782-2043
rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Long-term care facilities for persons under age 22.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: No additional requirements

C) Types of Professional Skills Necessary for Compliance: Nursing, dietary, medical records

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licenseure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to Be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section
390.500

Administrator

SUBPART C: POLICIES

Section

390.610 Management Policies
390.620 Resident Care Policies
390.630 Admission and Discharge Policies
390.640 Contract Between Resident and Facility
390.650 Residents' Advisory Council
390.660 General Policies
390.670 Personnel Policies
390.675 Initial Health Evaluation for Employees
390.680 Child Care/Habilitation Aides
390.681 Health Care Worker Background Check
390.683 Registry of Child Care/Habilitation Aides
390.685 Student Interns
390.690 Disaster Preparedness
390.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section

390.810 General
390.820 Categories of Personnel
390.830 Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section

390.1010 Service Programs
390.1020 Medical Services
390.1025 Life-Sustaining Treatments
390.1030 Physician Services
390.1035 Tuberculin Skin Test Procedures
390.1040 Nursing Services
390.1050 Dental Care Services
390.1060 Physical and Occupational Therapy Services
390.1070 Psychological Services
390.1080 Social Services
390.1090 Speech Pathology and Audiology Services
390.1100 Recreational and Activity Services
390.1110 Educational Services
390.1120 Work Activity and Prevocational Training Services

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SUBPART F: RESTRAINTS AND BEHAVIOR
MANAGEMENT

Section

390.1310 Restraints
390.1312 Nonemergency Use of Physical Restraints
390.1314 Emergency Use of Physical Restraints
390.1316 Unnecessary, Psychotropic, and Antipsychotic Drugs
390.1320 Behavior Management
390.1330 Behavior Emergencies (Repealed)

SUBPART G: MEDICATIONS

Section

390.1410 Medication Policies and Procedures
390.1420 Conformance with Physician's Orders
390.1430 Administration of Medication
390.1440 Labeling and Storage of Medications
390.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

390.1610 Resident Record Requirements
390.1620 Content of Medical Records
390.1630 Confidentiality of Resident's Records
390.1640 Records Pertaining to Residents' Property
390.1650 Retention and Transfer of Resident Records
390.1660 Other Resident Record Requirements
390.1670 Staff Responsibility for Medical Records
390.1680 Retention of Facility Records
390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

390.1810 Director of Food Services
390.1820 Dietary Staff in Addition to Director of Food Services
390.1830 Hygiene of Dietary Staff
390.1840 Diet Orders
390.1850 Meal Planning Adequacy-of-Diet-and-Meat-Pattern
390.1860 Infant and Therapeutic Diets
390.1870 Scheduling Meals
390.1880 Menus and Food Records Menu-Planning
390.1890 Food Preparation and Service
390.1900 Preparation of Infant Formula
390.1910 Food Handling Sanitation
390.1920 Kitchen Equipment, Utensils, and Supplies

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SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

390.2010 Maintenance
390.2020 Housekeeping
390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

390.2210 Furnishings
390.2220 Equipment and Supplies
390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section

390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements
390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section

390.2910 Applicability
390.2920 Codes and Standards
390.2930 Preparation of Drawings and Specifications
390.2940 Site
390.2950 Administration and Public Areas

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390.2960 Nursing Unit

390.2970 Play, Dining, Activity/Program Rooms
390.2980 Treatment and Personal Care
390.2990 Service Department
390.3000 General Building Requirements
390.3010 Structural
390.3020 Mechanical Systems
390.3030 Plumbing Systems
390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

390.3210 General
390.3220 Medical and Personal Care Program
390.3230 Restraints
390.3240 Abuse and Neglect
390.3250 Communication and Visitation
390.3260 Resident's Funds
390.3270 Residents' Advisory Council
390.3280 Contract With Facility
390.3290 Private Right of Action
390.3300 Transfer or Discharge
390.3310 Complaint Procedures
390.3320 Confidentiality
390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section

390.3510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)

APPENDIX B Forms for Day Care in Long-Term Care Facilities

APPENDIX C Guidelines for the Use of Various Drugs

TABLE A Infant Feeding

TABLE B Daily Nutritional Requirements By Age Group

TABLE C Sound Transmissions Limitations

TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age

TABLE E Sprinkler Requirements

TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

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SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 390.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on

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a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Access - the right to:

Enter any facility;

Communicate privately and without restriction with any resident who consents to the communication;

Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act [210 ILCS 45].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and

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available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Adaptive Equipment - a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 390.1310 as a physical restraint.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 390.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

With respect to a partnership, each partner thereof.

With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the

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first degree of kinship to that person; each partnership and each partner thereof which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed

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personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Chemical Restraint - Any drug that is used for discipline or convenience and is not required to treat medical symptoms or behavior manifestations of mental illness. (Section 2-106 of the Act)

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's

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guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience - the use of any restraint by the facility to control resident behavior or maintain a resident, which is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 390.1310 of this Part.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or rehabilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

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self-care,
receptive and expressive language,
learning,
mobility,
self-direction,
capacity for independent living, and
economic self-sufficiency; and

reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801 of the Act)

Dietetic Service Supervisor - a person who:
is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in paragraphs (2), (3) or (4) of this definition.

Dietitian - a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30]. It is eligible for registration by the American Dietetic Association, or has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has a year of supervisory

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experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Discipline - any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

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Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled.

Facility or Long-Term Care Facility - a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code [55 ILCS 5] or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIIII and Title XIX of the Federal Social Security Act (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities thereof, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];

Any "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140];

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any

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well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]; or

Any supportive residence licensed under the Supportive Residences Licensing Act [210 ILCS 65]. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total rehabilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance, and personal care.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

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Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [755 ILCS 5]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

Individual Education Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional--Occupancy----when--used--in--this--Part--means--Health-Care Facilities--Group--(a)--as--defined--in--Chapter--107-----paragraph--10-0001 of--the--Bills--Safety--Code--National--Fire-Protection-Association--(1985 Edition)--

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care

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Facilities for the Developmentally Disabled (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death

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or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheelchair, or a wheeled platform.

Mobile Resident - any resident who is able to move about either independently or with the aid of an assistive device such as a walker, crutches, a wheelchair, or a wheeled platform.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as

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possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Assistant - any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care.

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Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Physical Restraint - any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body. (Section 2-106 of the Act)

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

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Probationary license - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable Visiting Hours - any time between the hours of 10:00 a.m. and 8:00 p.m. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat Violation - For purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial

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violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room with a door that the resident cannot open.

Self Preservation - the ability to follow directions and recognize

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impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Sheltered Care - maintenance and personal care. (Section 1-124 of the Act)

Social Worker-Qualified - A person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a Corporation - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution; or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.140(a)(3) and 390.150(a)(3).

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Substantial Failure - the failure to meet requirements other than a variance from the strict and literal performance that results in important omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 390.165(b)(1).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

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Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section 390.1020 Medical Services

a) General Medical Services

1) The facility shall have a written program of medical services approved in writing by the medical advisory committee that reflects the philosophy of care provided, the policies relating to this, and the procedures for implementation of the services. The program shall include the entire complex of services provided by the facility and the arrangements to effect transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility. (b)

2) A) There shall be a medical advisory committee composed of at least a physician, administrator and the director of nursing which shall be responsible for advising the administrator and the licensee on the overall medical management of the residents and the staff in the facility. If the facility employs a house physician, he may be a member of this committee. The written program of medical services shall also include the structure and function of the medical advisory committee. (b)

b) Medical Emergencies

1) The medical advisory committee shall develop policies and procedures to be followed during the various medical emergencies including that may occur from time to time in long-term care facilities. These medical emergencies include, but are not limited to, such things as foreign body aspiration, poisoning, acute trauma (fractures, burns, and lacerations), cardiac arrest, acute coronary, acute cardiac failure, asthmatic or allergic reactions, acute convulsion, shock, diabetic coma, insulin shock, and acute respiratory distress. (b)

2) The facility shall maintain in a suitable location the equipment necessary to be used during these emergencies, including this equipment shall include, but is not limited to, the following: a portable oxygen kit, including a face mask or cannula; an airway; and tongue blades. (b)

3) A) There shall be at least one staff person shall be on duty at all times who has been properly trained to handle the medical

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emergencies in this subsection(b). (b)

- c) Communicable Disease Policies
- 1) The facility shall meet the Control of Communicable Diseases Code (77 Ill. Adm. Code 690) so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases.
 - 2) The facility shall not knowingly admit a person with a communicable, contagious or infectious disease, except as allowed in subsection (c)(4) of this Section. A resident who is suspected of or diagnosed as having any such disease shall be placed in isolation, if required, in accordance with the Control of Communicable Diseases Code until isolation can be discontinued or the person can be transferred.
 - 3) All illnesses required to be reported under the Control of Communicable Diseases Code and Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) shall be reported immediately to the local health department and to the Department. The facility shall furnish all pertinent information relating to such occurrences. In addition, the facility shall also inform the Department of all incidents of scabies and other skin infestations.
 - 4) Admission of Persons with Communicable, Contagious, or Infectious Diseases
 - A) Persons with communicable, contagious, or infectious diseases may be admitted under the following conditions:
 - i) When a person's infectious condition is directly related to one or more chronic pressure sores, from which laboratory tests have proven the presence of a pathogenic organism. Such a person may be admitted if the facility is capable of implementing appropriate treatment and isolation techniques to avoid secondary spread of infection.
 - ii) When a person's condition is communicable, contagious, or infectious only through blood or other body fluid contact, such as hepatitis, acquired immunodeficiency syndrome (AIDS), or human immunodeficiency virus (HIV) infection.
 - B) The facility shall notify the Department no later than five working days after the date of the admission of any person with a communicable, contagious, or infectious disease under subsection (c)(4)(A) of this Section. The notice to the Department shall include at least the date of the admission and the nature of the condition.
 - C) Written approval to admit or keep a person with other communicable, contagious or infectious diseases may be granted by the Department on an individual case basis. Such approval will depend upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the person and to safeguard the staff

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- and other residents of the facility from the spread of primary and secondary infections.
- 1) The administrator shall assume the responsibility for meeting the Department's rules entitled "Control of Communicable Disease Code" (77 Ill. Adm. Code 690), so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases. (b)
 - 2) As part of this responsibility, the administrator shall establish an infection control committee composed of members of the medical and nursing staffs, administration, and other dietitian, pharmacy, housekeeping, maintenance, and other services. The committee shall establish policies and procedures for investigating, controlling, and preventing infections in the facility, and for monitoring staff performance to ensure that the policies and procedures are executed.
 - 3) No resident with a communicable, contagious, or infectious disease shall be admitted knowingly. An exception shall be a resident whose only such infectious condition is one or more chronic decubital ulcers, from which laboratory tests have proven the presence of a pathogenic organism. Such a resident may be admitted when the facility is capable of implementing appropriate treatment and isolation techniques to avoid secondary spread of infection. Additional exceptions may be requested on an individual case basis. Permission to admit or keep a resident with any other communicable, contagious, or infectious disease shall require the written approval of the Department. Such approval will be dependent upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the resident and to adequately safeguard the staff and other residents of the facility from secondary spread of infection. Any resident when suspected or diagnosed as having any communicable, contagious or infectious disease shall be placed in the appropriate type of isolation as required by the Department's rules entitled "Control of Communicable Disease Code" (77 Ill. Adm. Code 690) and "Isolation Techniques for Use in Hospitals" (8-5-S-1 Public Health Service) for the period of time required for each specific disease or until removed from the facility. (A, B)
 - 4) All illnesses required to be reported under subsection (e)(1) of this Section shall be reported immediately to the local health department and to this Department. The administrator shall furnish all pertinent information relating to such occurrences. (b)
 - 5) Procedures and aseptic isolation techniques shall be established in writing and followed by all personnel. (B)
- d) Infection Control
- 1) Policies and procedures for investigating, controlling, and preventing infections in the facility shall be established and

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followed. A group, either an infection control committee, quality assurance committee, or other facility entity, shall periodically review the results of investigations and activities to control infections. The policies and procedures shall be consistent with and include the requirements of the Control of Communicable Diseases Code and Control of Sexually Transmissible Diseases Code. Activities shall be monitored to ensure that these policies and procedures are followed.

- 2) Each facility shall adhere to the recommendations of the U.S. Public Health Service contained in the publication entitled "Guidelines for the Prevention and Control of Nosocomial Infections." This publication may be obtained from the Center for Infectious Diseases, Centers for Disease Control, U.S. Public Health Services, Department of Health and Human Services, Atlanta, Georgia 30333. This publication includes the following guidelines:

- A) "Guidelines for Prevention of Catheter-Associated Urinary Tract Infections" (October 1981).
- B) "Guidelines for Handwashing and Hospital Environmental Control" (1985).
- C) "Guidelines for Prevention of Intravascular Infections" (October 1981).
- D) "Guideline for Prevention of Surgical Wound Infections" (March 1982, Revised 1985).
- E) "Guideline for Prevention of Nosocomial Pneumonia" (February 1994).
- F) "Guideline for Isolation Precautions in Hospitals" (January 1996).
- G) "Guideline for Infection Control in Hospital Personnel" (July 1983).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 390.1035 Tuberculin Skin Test Procedures

Tuberculin skin tests test for employees and residents shall be conducted in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696). requirements in this Section:

- a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record of the resident's medical record.
- b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.
- c) A significant reaction shall be considered to exist when either of the

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following conditions exist:

- 1) There is an area of induration of ten mm or more in diameter.
- 2) There is an area of induration of five mm or more in diameter and the attending physician or local health authority suspects tuberculosis on the basis of disease or exposure.
- d) If the first test is nonsignificant, a second test shall be given at least one week but no more than three weeks after the first test.
- e) If the first or second test reaction is significant or if active tuberculosis is suspected at any time the attending physician or local health authority shall order any further examinations and treatment which is considered necessary, such as x-rays, sputum smears.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART H: RESIDENT AND FACILITY RECORDS

Section 390.1610 Resident Record Requirements

- a) Each facility shall have a medical record system that retrieves facilities the retrieval of information regarding individual residents as demonstrated by the facility.
- b) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible and available at all times to those personnel authorized by the facility's policies, and to the Department's representatives.
- c) Record entries shall meet the following requirements:

- 1) Record entries shall be made by the person providing or supervising the service or observing the occurrence that is being recorded.
- 2) Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry.
- 1) All entries into the medical record shall be authenticated by the individual who made or authored the entry. "Authentication," for purposes of this Section, means identification of the author of a medical record entry by that author and confirmation that the contents are what the author intended.
- 2) Medical record entries shall include all notes, orders or observations made by direct resident care providers and any other individuals required to make such entries in the medical record, and written interpretive reports of diagnostic tests or specific treatment including, but not limited to, radiologic or laboratory reports and other similar reports.
- 3) Written signatures or initials and electronic signature codes are acceptable as authentication. All signatures or initials, whether written, electronic, or computer generated, shall include

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the initials of the signer's credentials.

- 4) In order for a facility to employ electronic signatures or computer-generated signature codes for authentication purposes, the facility's governing body, administrator and medical director must adopt a policy that permits authentication by electronic or computer-generated signature. The policy shall identify those categories of the medical staff, allied health staff or other personnel within the facility who are authorized to authenticate resident records using electronic or computer-generated signatures.
- 5) At a minimum, the policy shall include adequate safeguards to ensure confidentiality, including, but not limited to, the following:
 - A) Each user must be assigned a unique identifier that is generated through a confidential access code.
 - B) The facility must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate use of that particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been inappropriately used.
 - C) The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.
 - D) The facility periodically must monitor the use of identifiers and take corrective action as needed. The process by which the facility will conduct the monitoring shall be described in the policy.
 - 6) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:
 - A) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.
 - B) The system must make an opportunity available to the user to verify that the document is accurate and that the signature has been properly recorded.
 - C) As part of its quality assurance activities, the facility must periodically sample records generated by the system to

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verify the accuracy and integrity of the system.

- 7) A user may terminate authorization for use of electronic or computer-generated signature upon written notice to the individual responsible for medical records or other person designated by the facility's policy.
- 8) Each report generated by a user must be separately authenticated.
- d) All physician's orders, plans of treatment, Medicare or Medicaid certification, recertification statements, and similar documents shall have the authenticating original-written signature of the physician. The use of a physician's rubber stamp signature, with or without initials, is not acceptable.
- e) The record shall include medically defined conditions and prior medical history, medical status, physical and mental functional status, sensory and physical impairments, nutritional status and requirements, special treatment and procedures, mental and psychosocial status, discharge potential, rehabilitation potential, cognitive status and drug therapy.
- f) An ongoing resident record including progression toward and regression from established resident goals shall be maintained. (B) 1) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change. (B) 2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or habilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident.
- g) A medication administration record shall be maintained which contains the date and time each medication is given, name of drug, dosage, and by whom administered.
- h) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. Physician ordered procedures that which shall be recorded include, but are not limited to, the prevention and treatment of decubitus ulcers, weight monitoring to determine a resident's weight loss or gain, catheter/ostomy care, blood pressure monitoring, and fluid intake and output.
- i) The records maintained for each resident shall be adequate for:
 - 1) Planning and continuously evaluating each resident's habilitation program,
 - 2) Furnishing evidence of each resident's progress and response to the habilitation program, and
 - 3) Protecting each resident's legal rights.
- j) The facility may use ~~shall have~~ the option of using universal progress notes in the medical records.
- k) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period.

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The facility's record retirement policy shall not conflict with the record retention requirements contained in Section 390.1650 of this Part.

1) Discharge information shall be completed within 48 hours after the resident leaves the facility.

1) Within 48 hours after the resident leaves the facility the resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form.

2) The discharge information shall also include reasons for discharge, diagnosis, individual habilitation plan, physical, pertinent medical and social histories, orders and staff recommendations for immediate care to ensure the optimal continuity of care for the resident.

m) At the time of discharge, the facility shall provide those responsible for the resident's post-discharge care with a discharge summary. A copy of this discharge summary shall be retained as a part of the resident record.

n) When a resident is temporarily transferred to another location, the facility shall provide the temporary caretaker with medical and other information necessary and useful in the care and treatment of the resident.

o) At least six months prior to a resident's 18th birthday, the facility shall complete a report regarding the resident's guardianship status and any actions needed to establish guardianship.

p) Each resident record is the property of the facility. The facility shall be responsible for securing resident record information against loss, defacement, tampering or use by unauthorized persons.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART I: FOOD SERVICE

Section 390.1810 Director of Food Services

a) Each facility shall have a director of food service who shall be either a dietitian or a dietetic service supervisor as defined in Section 390.330. (b) If a director of food service shall be a full-time person, qualified suited by training and experience, shall who has been designated by the administrator to be responsible for the total food and nutrition services service operation of the facility. This person shall be on duty a minimum of 40 hours each week. (b)

1) This person shall be either a dietitian or a dietetic service supervisor.

2) The person responsible for the food service may assume some cooking duties but only if these duties do head cook may be

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designated to fill this position as long as it does not interfere with the responsibilities of management and supervision either position.

b) Consultation: If the person responsible for food services is not a dietitian, the person he shall have frequent and regularly scheduled consultation from a qualified dietitian. Consultation this consultation, given in the facility, shall be not less than eight hours each month and shall include consultation and training in areas such as menu planning and review, food preparation, food storage, food service, safety, food sanitation, and use of equipment. Clinic management of therapeutic diets shall also be included in consulting, covering areas such as tube feeding; nutritional status and requirements of residents, including weight, height, hematologic and biochemical assessments; physical limitations; adaptive equipment; and clinical observations of nutrition, nutritional intake, resident's eating habits and preferences, and dietary restrictions. In all food service procedures such as menu planning and review, food preparation, food storage, food service, safety, food sanitation, and in-service education management of therapeutic diets and in-service education.

c) A minimum of ten hours of consulting time per month shall be provided for facilities with 50 or fewer beds. An additional eight hours of consulting time per month shall be provided for each 75 licensed beds or part thereof.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 390.1840 Diet Orders

a) Two or more copies of a current diet manual shall be available and in use. One copy shall be located in the kitchen for use by dietary personnel. Other copies shall be located at each nurses' station for use by physicians when prescribing diets.

b) Physicians shall write a diet order, in the medical record, a diet order for each resident residents indicating whether the resident is to have a general or a therapeutic diet, and the diet shall be served as ordered.

c) A written diet order shall be sent to the food service department when each resident is admitted and each time that the resident's diet is changed. Each change shall be a diet order for each resident shall be sent in writing to the food service department for each new admission and for every subsequent change in diet for that resident as ordered by the his physician. The diet order shall include, at a minimum but is not limited to, the following information: name of resident, room and bed number, type of diet, consistency if other than regular, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department.

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d) The resident residents shall be observed to determine acceptance of the diet, and these observations shall be recorded in the medical his record and reported to the dietitian. Any significant changes in weight shall also be reported to the dietitian. (B)

e) A therapeutic diet means a diet ordered by the physician as part of treatment for a disease or clinical condition, to eliminate or decrease certain substances in the diet (e.g., sodium) or to increase certain substances in the diet (e.g., potassium), or to provide food in a form that the resident is able to eat (e.g., mechanically altered diet).

f) All therapeutic diets shall be medically prescribed and shall be planned or approved by a dietitian.

g) The kinds and variations of prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specified diet, information for each specified type, in a form easily understood by staff, shall be posted in a convenient location in the kitchen.

h) All oral liquid diets shall be reviewed every 48 hours. Medical soft diets, sometimes known as transitional diets, shall be reviewed every three weeks. All other therapeutic and mechanically altered diets, including commercially prepared formulas that are in liquid form and blenderized liquid diets, shall be reviewed as needed, or at least every three months.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 390.1850 Meal Planning Adequacy-of-Diet-and-Meal-Pattern

a) The diet for all residents shall be as prescribed by the attending physician.

b) Nutritional Requirements for Infants and Children

1) The charts in Tables A and B labeled Nutritional Requirements for Infants and Children have been adapted from current recommendations of the Food and Nutrition Board, National Research Council for children with normal growth and developmental patterns. These recommendations vary for each age group.

2) The Nutritional Requirements they are to be used as guidelines only in those cases where the physician does not prescribe therapeutic diet. However, the diet of a resident with severe physical abnormalities and for irregular growth and developmental patterns may require a considerable variance from the current recommended allowances. Such variance shall be permitted upon the written order of the attending physician.

c) Meals Meal-Patterns-Poods for the day shall be planned to provide a variety of foods, variety in texture and good color balance. The following meal patterns shall be used. to-give-eye-appeal-to-the

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meal---One-of-the-following-meal-patterns-and-schedules-shall-be-used for-residents---general---diet---Variations---from---these---patterns-or schedules-will-require-prior-written-approval-from-the-Department-

1) Three Meals A Day Plan

A) Breakfast {6:30---0:30A-M-}: Fruit or juice, cereal, meat juice,---Cereal---Meat (optional, but three or to four times per week preferable), bread, butter Bread---Butter or margarine, milk, Margarine---Milk and Choice Choice of additional beverage Beverage.

B) Main Meal (may be served noon or evening) {11:30-A-M---1:30 P-M-} or {4:30---6:30 P-M-}: Soup or juice juice (optional) appetizer), entree Entree (quality protein), potato Potato or potato substitute, vegetable Vegetable or salad, dessert Salad,---Bessert (preferably Preferably fruit unless fruit is served as a salad or will be served at other meal), bread, butter Bread-Butter or margarine Margarine, and choice of beverage Choice-of-Beverage.

C) Lunch or Supper {11:30---A-M---1:30 P-M-} or {4:30---6:30 P-M-}: Soup or juice juice (optional), entree Entree (quality protein), potato Potato or potato substitute (optional) Optional if served at main meal), vegetable Vegetable or salad, dessert, bread, butter Salad,---Bessert Bread-Butter or margarine, milk Margarine-Milk, and choice of additional beverage Beverage.

2) Four-Meals-A-Day-Plan

A) Breakfast {6:30---0:30A-M-}:---Juicer---Cereal---Toast-or-Roll Butter-or-Margarine-Milk,---Choice-of-additional-Beverage Brunch-{10:30-A-M---12:30 P-M-}:---Fruit-or-Juicer---Main-Bish (quality-protein)-Bread-Rolls-or-Special-Breads-(such-as French-toast-or-Pancakes)-Butter-or-Margarine-and---Choice of-Beverage

E) Pui-Binner-{9:30---5:30 P-M-}:---Appetizer-or-Soup-Protein Entree---Potato---or---Potato---Substitute---Vegetable---Salad Bessert---Bread-or-Roll---Butter---or---Margarine---Milk---and Choice-of-additional-Beverage

B) Eight-Meal---{6:30---0:30 P-M-}:---Meat-Group-Bread-Group Eight-Bessert-and-Milk-or-Juice

3) Five-Meal-A-Day-Plan

A) Continental-Breakfast-{6:30---0:30A-M-}:Fruit---Juicer---Toast or-Roll-Butter-or-Margarine-Milk-and-Choice-of-additional Beverage

B) Brunch-{9:30---11:30A-M-}:---Fruit-or-Juicer---Cereal-Eggs-or Meat-Bish---Bread-or-Muffin-or-Special-Toast-Butter-or Margarine-and-Beverage

E) Eight-Meal-{12:30---2:30}-Soup-with-Crackers-Meat-Group Bread-Group-and-Milk-or-Beverage

B) Binner-{3:30---5:30 P-M-}:---Meat-Pish-or-Poultry-Potato-or Potato-Substitute,---Vegetable-Salad-Bread-or-Roll-Butter

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or--Margarine--Bessert--Milk--and--Choice--of--additional Beverage-

B) Bright-Meat-(6:30---8:30--P-M)-Meat--Group--Bread--Group Fruit--Juice--or--Milk--and--Dessert--(such--as--Ice-Cream Cookies--Jello--Pudding--Custard--or--Fruit)

2) Other meal patterns may be used if approval is given by the Department prior to changing from a three meals a day pattern. Facilities that are using four of five meals a day patterns on the effective date of this amendatory rulemaking may continue to use that meal pattern for up to one year prior to gaining Department approval as long as the menus meet Table A and Table B of this Part. Department approval will be based on, but not limited to, compliance with the nutritional adequacy requirements of this Section and the facility's continued ability to serve the menus as approval and to meet the needs of the residents.

d) Whatever schedule is established--there--shall--be--a--time--span--of approximately three hours between meals-

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 390.1880 Menus and Food Records Menu-Planning

- a) Menus, including menus for between meal or bedtime snacks and "sack" lunches, if required, shall be planned at least one week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions," which that is kept in the kitchen. If a notebook is used to document substitutions, it shall include the date of the substitution; the meal at which the substitution was made; the menu as originally written; and the menu as actually served. (B) The menu for the current week shall be dated and posted in the kitchen. Upon the request of the Department, sample menus shall be submitted for evaluation.
- c) Menus shall be different for the same day of consecutive weeks and adjusted for seasonal differences.
- d) All menus as actually served shall be kept on file at the facility for not less than 30 days.
- e) Food label information for purchased prepared food, listing food composition and, when available, nutrient content, shall be kept on file in the facility for the current menu cycle.
- f) Supplies of staple food for a minimum of a one week period and of perishable foods for a minimum of a two day period shall be maintained on the premises. These supplies shall be appropriate to meet the requirements of the menu.
- g) Records of all food purchased shall be kept on file in the facility

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for not less than 30 days.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 390. APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)

Interpretation of:

Long-Term-Care-Facility-for-Residents-Under-22-Years-of-Age

A--Long-Term-Care-Facility-for-Residents-Under-22-Years-of-Age-provides care-which-includes-physical-emotional-social-restorative-and-other habitative-services-for-a-resident--These-services-provided-for-in a-planned-medical-program-as-part-of-the-resident's-individual habilitation-plan; encompass-skilled-nursing-rehabilitative-and habitative-nursing-physical-occupational-recreational-and-speech therapies-psychological-and-social-services-and-are-directed-toward the-development-of-personal-and-social-independence-and-health--All available-resources-are-utilized-to-plan-and-teach-these-goals.

Residents-who-require-continuous-nursing-care-for-unstable-conditions; recurring-medical-problems; chronic-long-term-medical-conditions; or convalescing-from-surgery-or-acute-illness-and-for-whom-as-a practical-matter-must-receive-these-services-on-an-in-resident-basis are-appropriate-for-placement-in-these-facilities.

Facility-staff-and-its-consultants-must-be-composed-of-those-trained to-recognize-significant-and/or-potential-deterioration-or-changes-in the-resident's-health-status-or-medical-needs-and-developmental-status and-needs--The-facility-staff-shall-also-participate-in-the formulation-and-implementation-of-the-resident's-habilitation-plan.

Illustrative Services of:

Long-Term-Care-Facility-for-Residents-Under-22-Years-of-Age

A-Long-Term-Care-Facility-for-Residents-under-22-Years-of-Age-is-a level-of-care--both-qualitative--and-quantitative-administered-by trained-personnel-and-would-include:

Skilled-nursing-treatments--such-as--the-administration-of medications-oxygen-tube-feedings-intravenous-fluids--and--the care--and--administration--of-respiratory-therapy-catheterizations and-irrigations-ostomies--and--dressings-involving-medications and-aseptic-techniques.

Skilled-rehabilitative--and--habilitative--therapy-and-training such-as--positioning-and-posture-development--range-of-motion exercises--gait-training--postural-drainage-and-activities-of daily-living-training--such-as--feeding--bowel--and--bladder dressing-and-hygiene.

Skilled--nursing--observations--to--detect--and--evaluate--the resident's-need-for-modifications-of-treatment-or-institution-of medical-procedures--Skilled-nursing-supervision-and-on-going evaluation-to-assess-resident's-need-assist-in-formulation-of the-resident's-individual-habilitation-plan-and-to-coordinate its-implementation.

Skilled-therapy-in-communication-skills--such-as--articulation and-language.

Skilled-services--in--sensory-integration--through-a-planned

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stimulation-program--to--develop--and--increase-body-and-sensory awareness--and-to-develop-and-coordinate-resident's-response- Skilled-supervision-and-provision-of-behavior-management--such as--a-planned-program-of-behavior-modification-and-therapeutic counseling-to-develop-or-retain-appropriate-behavior- Supportive-program--services--such-as--social-habilitation--to develop-social-skills--and--community-awareness-and-therapeutic activities-to-provide-diversional--spiritual--and--recreational services-

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Sheltered Care Facilities Code

- 2) Code Citation: 77 Ill. Adm. Code 330

- 3) Section Numbers:
 330.330 Amendments
 330.1130 Amendments
 330.1135 Amendments
 330.1710 Amendments
 330.1940 Amendments
 330.1950 Amendments
 330.1960 Repealer
 330.1980 Amendments
 330.APPENDIX A Repealer

- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 330 govern the licensure of sheltered care facilities.

In Section 330.330 (Definitions) the definition of "Dietitian" is amended to reference the Dietetic and Nutrition Services Practice Act [225 ILCS 30]. The definition of "Dietetic Service Supervisor" is amended to delete reference to a "qualified" dietitian, since licensed dietitians are deemed to be qualified. The term "qualified" is also deleted in the definition of "Social Worker". Qualification is indicated by licensure status. The term "Institutional Occupancy" is being deleted, since it is no longer used in the rules.

Section 330.1130 (Communicable Disease Policies) is being reorganized and updated to include current admission policies and requirements for compliance with other Department Codes. A facility group, either an infection control committee, quality assurance committee, or other facility entity, shall establish policies and procedures for investigating, controlling, and preventing infections in the facility. Incorporated materials from the U.S. Public Health Service are added.

Section 330.1135 (Tuberculin Skin Test Procedure) is being revised to reference the Department's Control of Tuberculosis Code (77 Ill. Adm. Code 696).

Section 330.1710 (Resident Record Requirements) is being amended to include requirements for electronic or computer-generated signature, including development of a facility policy permitting such signatures and verification requirements.

Section 330.1940 (Diet Orders) is being amended to include more specific requirements for diet orders and therapeutic diets.

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The heading of Section 330.1950 is being changed from "Adequacy of Diet and Meal Pattern" to "Meal Planning," to emphasize that this Section is to be used to plan menus and purchase food. The daily food allowances have been amended to correspond to the Recommended Dietary Allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences. Soy protein has been added as an allowance in the Meat Group. Examples of what constitutes a "serving" have been included in each food group. Four- and five-meal-a-day plans may be used only with Department approval.

Section 330.1960 (Therapeutic Diets) is being repealed, since requirements for therapeutic diets are being included in Section 330.1940.

The heading of Section 330.1980 is being changed from "Menu Planning" to "Menus and Foods Records." A requirement that food label information be kept on file for the current menu cycle is being added.

Section 330.APPENDIX A (Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities) is being repealed. This material is outdated and inaccurate.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

- 7) Does this Rulemaking Contain an Automatic Repeal Date? No

- 8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

- 9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
330.160	Amendments	22 Ill. Reg. 6166
330.163	New Section	22 Ill. Reg. 6166
330.340	Amendments	21 Ill. Reg. 15412
330.720	Amendments	22 Ill. Reg. 6166
330.911	Amendments	22 Ill. Reg. 6166
330.3040	Amendments	21 Ill. Reg. 15412
330.4230	Repealer	21 Ill. Reg. 15412

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

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- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
217/782-2043
rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Sheltered Care facilities

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
No additional requirements

C) Types of Professional Skills Necessary for Compliance: Dietitian, medical records

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.315	Supported Congregate Living Arrangement Demonstration
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section
330.510 Administrator

SUBPART C: POLICIES

Section
330.710 Resident Care Policies
330.720 Admission and Discharge Policies
330.730 Contract Between Resident and Facility
330.740 Residents' Advisory Council
330.750 General Policies
330.760 Personnel Policies
330.765 Initial Health Evaluation for Employees
330.770 Disaster Preparedness
330.780 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section
330.910 Personnel
330.911 Health Care Worker Background Check
330.913 Nursing and Personal Care Assistants (Repealed)
330.916 Student Interns (Repealed)
330.920 Consultation Services
330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section
330.1110 Medical Care Policies
330.1120 Personal Care
330.1125 Life Sustaining Treatments
330.1130 Communicable Disease Policies
330.1135 Tuberculin Skin Test Procedures
330.1140 Behavior Emergencies (Repealed)
330.1145 Restraints
330.1150 Emergency Use of Physical Restraints
330.1155 Unnecessary, Psychotropic, and Antipsychotic Drugs

SUBPART F: RESTORATIVE SERVICES

Section
330.1310 Activity Program
330.1320 Work Programs
330.1330 Written Policies for Restorative Services

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SUBPART G: MEDICATIONS

Section
330.1510 Medication Policies
330.1520 Administration of Medication
330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
330.1710 Resident Record Requirements
330.1720 Content of Medical Records
330.1730 Records Pertaining to Residents' Property
330.1740 Retention and Transfer of Resident Records
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SUBPART I: FOOD SERVICE

Section
330.1910 Director of Food Services
330.1920 Dietary Staff in Addition to Director of Food Services
330.1930 Hygiene of Dietary Staff
330.1940 Diet Orders
330.1950 Meal Planning Adequacy-of-Diet-and-Meal-Pattern
330.1960 Therapeutic Diets (Repealed)
330.1970 Scheduling of Meals
330.1980 Menus and Food Records Menu-Planning
330.1990 Food Preparation and Service
330.2000 Food Handling Sanitation
330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
330.2210 Maintenance
330.2220 Housekeeping
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
330.2410 Furnishings
330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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Section

330.2610 Codes
330.2620 Water Supply
330.2630 Sewage Disposal
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SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW
SHELTERED CARE FACILITIES

Section

330.2810 Applicable Requirements (Repealed)
330.2820 Applicability of These Standards
330.2830 Submission of a Program Narrative
330.2840 New Constructions, Additions, Conversions, and Alterations
330.2850 Preparation and Submission of Drawings and Specifications
330.2860 First Stage Drawings
330.2870 Second Stage Drawings
330.2880 Architectural Drawings
330.2890 Structural Drawings
330.3000 Mechanical Drawings
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330.3020 Additions to Existing Structures
330.3030 Specifications
330.3040 Building Codes
330.3050 Site
330.3060 General Building Requirements
330.3070 Administration
330.3080 Corridors
330.3090 Bath and Toilet Rooms
330.3100 Living, Dining, Activity Rooms
330.3110 Bedrooms
330.3120 Special Care Room
330.3130 Kitchen
330.3140 Laundry
330.3150 Housekeeping, Service, and Storage
330.3160 Plumbing
330.3170 Heating
330.3180 Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED
CARE FACILITIES

Section

330.3310 Applicable Requirements (Repealed)
330.3320 Applicability of These Standards
330.3330 Fire Protection
330.3340 Fire Department Service and Water Supply
330.3350 General Building Requirements

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330.3360 Exit Facilities and Subdivision of Floor Areas
330.3370 Stairways, Vertical Openings, and Doorways
330.3380 Corridors
330.3390 Exit Lights and Directional Signs
330.3400 Hazardous Areas and Combustible Storage
330.3410 Fire Alarm and Detection System
330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

Section

330.3610 Site
330.3620 General Building Requirements
330.3630 Administration
330.3640 Corridors
330.3650 Bath and Toilet Rooms
330.3660 Living, Dining, and Activity Rooms
330.3670 Bedrooms
330.3680 Special Care Room
330.3690 Kitchen
330.3700 Laundry Room
330.3710 Housekeeping and Service Rooms and Storage Space
330.3720 Plumbing and Heating
330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING
SHELTERED CARE FACILITIES

Section

330.3910 Fire Protection
330.3920 Fire Department Service and Water Supply
330.3930 Occupancy and Fire Areas
330.3940 Exit Facilities and Subdivision of Floor Areas
330.3950 Stairways, Vertical Openings, and Doorways
330.3960 Exit and Fire Escape Lights and Directional Signs
330.3970 Hazardous Areas and Combustible Storage
330.3980 Fire Alarm and Detection System
330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

Section

330.4210 General
330.4220 Medical and Personal Care Program
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330.4240 Abuse and Neglect
 330.4250 Communication and Visitation
 330.4260 Resident's Funds
 330.4270 Residents' Advisory Council
 330.4280 Contract With Facility
 330.4290 Private Right of Action
 330.4300 Transfer or Discharge
 330.4310 Complaint Procedures
 330.4320 Confidentiality
 330.4330 Facility Implementation

SUBPART R: DAY CARE PROGRAMS

Day Care In Long-Term Care Facilities

Section

330.4510

APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
 APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
 APPENDIX C Forms for Day Care in Long-Term Care Facilities
 APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
 APPENDIX E Guidelines for the Use of Various Drugs
 TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991;

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amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 330.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

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Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual Assault.

Access - the right to:

Enter any facility;

Communicate privately and without restriction with any resident who consents to the communication;

Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act [210 ILCS 45].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Adaptive Equipment - a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 330.1145 as a physical restraint.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of

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review.

Administrative Warning - a notice to a facility issued by the Department under Section 330.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

With respect to a partnership, each partner thereof.

With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

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Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

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Charge Nurse - a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Chemical Restraint - any drug that is used for discipline or convenience and is not required to treat medical symptoms or behavior manifestations of mental illness. (Section 2-106 of the Act)

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience - the use of any restraint by the facility to control resident behavior or maintain a resident, which is not in the resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 330.1145 of this Part.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

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Developmental Disabilities (DD) Aide - any person who provides nursing, personal or rehabilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Rehabilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

self-care,
receptive and expressive language,
learning,
mobility,
self-direction,
capacity for independent living, and
economic self-sufficiency; and

reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801 of the Act)

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the

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American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in paragraphs (2), (3) or (4) of this definition.

Dietitian - a person who is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].:

~~is--eligible--for--registration--by--the--American--Dietetic Association--or~~

~~has--a--baccalaureate--degree--with--major--studies--in--food--and nutrition--dietetics--and--food--service--management--has--one--year of--supervisory--experience--in--the--dietetic--service--of--a--health care--institution--and--participates--annually--in--continuing dietetic--education--~~

Direct Supervision - work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Discipline - any action taken by the facility for the purpose of punishing or penalizing residents.

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Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled.

Facility or Long-Term Care Facility - a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code [55 ILCS 5] or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as

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the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities thereof, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];

Any "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140];

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]; or

Any supportive residence licensed under the Supportive Residences Licensing Act [210 ILCS 65]. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total rehabilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance and personal care.

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Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full time - on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [755 ILCS 5]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides

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maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

Individual Education Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

~~Institutional--Occupancy---when--used--in---this-Part-means-Health-Care Facilities--Group-(a)--as-defined-in-Chapter-10--Paragraph-10-0001--of the--Life--Safety--Code--National--Fire--Protection-Association--(1905 Edition);~~

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The interdisciplinary team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the interdisciplinary team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder

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of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheelchair, or a wheeled platform.

Mobile Resident - any resident who is able to move about either independently or with the aid of an assistive device such as a walker, crutches, a wheelchair, or a wheeled platform.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a

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resident or in the deterioration of a resident's physical or medical condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the *Illinois Nursing Act of 1987* [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Assistant - any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no

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more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is

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incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Physical Restraint - any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body. (Section 2-106 of the Act)

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician - any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology,

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social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable Visiting Hours - any time between the hours of 10 A.M. and 8 P.M. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat Violation - For purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

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Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room with a door that the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Sheltered Care - maintenance and personal care. (Section 1-124 of the Act)

Social Worker, Qualified - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a Corporation - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Story - when used in this part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a

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building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution, or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.140(a)(3) and 330.150(a)(3).

Substantial Failure - the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 330.165(b)(1).

Sufficient - same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or

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hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section 330.1130 Communicable Disease Policies

- a) The facility administrator shall meet ~~assume--the--responsibility--for~~ meeting the Department's ~~rules--entitled "Control of Communicable Diseases Code"~~ (77 Ill. Adm. Code 690) so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases. ~~†††~~
- b) The facility shall not knowingly admit a person ~~No--resident with a~~ communicable, contagious, or infectious disease ~~shall-be-admitted~~ knowingly. A resident who is suspected of ~~or An--individual--when~~ ~~suspected--or~~ diagnosed as having any such disease ~~after-admission~~ shall be placed in isolation, ~~if required,~~ in accordance with the

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Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) until isolation can be discontinued or the person can be transferred, removed from the facility." (A-B)

c) All illnesses required to be reported under the Control of Communicable Diseases Code and Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) subsection (a) of this Section shall be reported immediately to the local health department and to the Department. The facility administrator shall furnish all pertinent information relating to such occurrences. In addition, the facility shall also inform the Department of all incidents of scabies and other skin infestations. (B)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 330.1135 Tuberculin Skin Test Procedures

Tuberculin skin tests test for employees and residents shall be conducted in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696) requirements in this Section.

- a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.
- b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.
- e) A significant reaction shall be considered to exist when either of the following conditions are present:
 - i) There is an area of induration ten mm or more in diameter.
 - 2) There is an area of induration five mm or more in diameter and the attending physician or local health authority suspects tuberculosis on the basis of disease or exposure.
- d) If the first test is nonsignificant, a second test shall be given at least one week, but no more than three weeks, after the first test.
- e) If the first or second test reaction is significant or if active tuberculosis is suspected at any time, the attending physician or local health authority shall order any further examination and treatment which is considered necessary, such as x-rays, cultures, or sputum smears.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART H: RESIDENTS AND FACILITY RECORDS

Section 330.1710 Resident Record Requirements

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- a) Each facility shall have a medical record system that retrieves facilities--the--retrieval--of information regarding individual residents as demonstrated by the facility.
- b) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible and available at all times to those personnel authorized by the facility's policies, and to the Department's representatives.
- c) Record entries shall meet the following requirements:
 - 1) All entries into the medical record shall be authenticated by the individual who made or authored the entry. "Authentication," for purposes of this Section, means identification of the author of a medical record entry by that author and confirmation that the contents are what the author intended. Record entries shall be made by the person providing or supervising the service or observing the occurrence that is being recorded.
 - 2) Medical record entries shall include all notes, orders or observations made by direct resident care providers and any other individuals required to make such entries in the medical record, and written interpretive reports of diagnostic tests or specific treatments including, but not limited to, radiologic or laboratory reports and other similar reports. Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry.
 - 3) Written signatures or initials and electronic signature codes are acceptable as authentication. All signatures or initials, whether written, electronic, or computer generated, shall include the initials of the signer's credentials.
 - 4) In order for a facility to employ electronic signatures or computer-generated signature codes for authentication purposes, the facility's governing body, administrator and medical director must adopt a policy that permits authentication by electronic or computer-generated signature. The policy shall identify those categories of the medical staff, allied health staff or other personnel within the facility who are authorized to authenticate resident records using electronic or computer-generated signatures.
 - 5) At a minimum, the policy shall include adequate safeguards to ensure confidentiality, including, but not limited to, the following:
 - A) Each user must be assigned a unique identifier that is generated through a confidential access code.
 - B) The facility must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate use of that particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned

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identifier, or that the identifier has otherwise been inappropriately used.

C) The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.

D) The facility periodically must monitor the use of identifiers and take corrective action as needed. The process by which the facility will conduct the monitoring shall be described in the policy.

5) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:

A) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.

B) The system must make an opportunity available to the user to verify that the document is accurate and that the signature has been properly recorded.

C) As part of its quality assurance activities, the facility must periodically sample records generated by the system to verify the accuracy and integrity of the system.

7) A user may terminate authorization for use of electronic or computer-generated signature upon written notice to the individual responsible for medical records or other persons designated by the facility's policy.

8) Each report generated by a user must be separately authenticated. All physician's orders and plans of treatment shall have the authentication original-written-signature of the physician. The use of a physician's rubber stamp signature, with or without initials, is not acceptable.

e) The record shall include medically defined conditions and prior medical history, medical status, physical and mental functional status, sensory and physical impairments, nutritional status and requirements, special treatments and procedures, mental and psychosocial status, discharge potential, rehabilitation potential, cognitive status and drug therapy.

f) An ongoing resident record including progression toward and regression from established resident goals shall be maintained. {B}

l) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change. {B}

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2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or rehabilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident.

g) A medication administration record shall be maintained which contains the date and time each medication is taken, name of drug, dosage, and by whom administered recorded. A medication administration record is not required for residents who have been approved by their physician to be fully responsible for their own medications under Section 330.1510(d)(2).

h) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. Physician ordered procedures that which shall be recorded include, but are not limited to, the prevention of decubitus ulcers, weight monitoring to determine a resident's weight loss or gain, blood pressure monitoring, and fluid intake and output.

i) The facility may use ~~shall have the option of~~ using universal progress notes in the medical records.

j) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period. The facility's record retirement policy shall not conflict with the record retention requirements contained in Section 330.1740 of this Part.

k) Discharge information shall be completed within 48 hours after the resident leaves the facility. The resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART I: FOOD SERVICE

Section 330.1940 Diet Orders

a) Two or more copies of a current diet manual shall be available and in use. One copy shall be located in the kitchen for use by dietary personnel. Other copies shall be located at each nurses' station for use by physicians when prescribing diets.

b) Physicians shall write a diet order, in the medical record, for each resident residents indicating whether the resident is to have a general or a therapeutic diet. ~~The and the diet shall be served as ordered. A diet order for each resident shall be sent in writing to the food service department for each new admission and for every subsequent change in diet for that resident ordered by his physician.~~

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c) b) A written diet order shall be sent to the food service department when each resident is admitted and each time that the resident's diet is changed. Each change shall be ordered by the physician & diet order for each resident shall be sent in writing to the food service department. The diet order shall include, at a minimum but is not limited to, the following information: name of resident, room and bed number, type of diet, consistency if other than regular, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department. (see Section 330-1960 for ordering therapeutic diets). (b)

d) e) The resident shall be observed to determine acceptance of the diet, and these observations shall be recorded in the medical his record. (b)

e) Therapeutic diets shall be medically prescribed. Menus for such diets shall be planned by a dietitian. The facility shall provide supervision for preparing and serving the therapeutic diets, obtaining consultation as needed from a dietitian.

f) A therapeutic diet means a diet ordered by the physician as part of a treatment for a disease or clinical condition, to eliminate or decrease certain substances in the diet (e.g., sodium) or to increase certain substances in the diet (e.g., potassium), or to provide food in a form that the resident is able to eat (e.g., mechanically altered diet).

g) The kinds and variation of prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type, in a form easily understood by staff, shall be posted in a convenient location in the kitchen.

h) All oral liquid diets shall be reviewed every 48 hours. Medical soft diets, sometimes known as transitional diets, shall be reviewed every three weeks. All other therapeutic and mechanically altered diets, including commercially prepared formulas that are in liquid form and blenderized liquid diets, shall be reviewed as needed, or at least every three months.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 330.1950 Meal Planning Adequacy of Diet and Meal Pattern

a) The facility shall use this Section to plan menus and purchase food. Each resident shall be served food to meet the resident's needs and to meet physician's orders. The daily food allowance for each resident shall be in accordance with the Recommended Daily Allowances meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board of the National Research Council, National Academy of Sciences and shall include: (b) (7) (b)

a) b) Milk and Milk Products MEAT-AND-MEAT PRODUCTS: 16 ounces or more two

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or more eight ounce servings of Grade A whole or low fat pasteurized milk where milk is used for fluid consumption (see Section 330-2000). Calcium equivalents for eight ounces of milk Cheese and ice cream may be used to replace part of the milk. The amount of either needed to replace a given amount of milk is figured on the basis of calcium content. The equivalents are as follows:

- 1) 1 1/2 ounces natural cheese. One inch cube of cheddar type cheese equals one half cup milk.
- 2) Two ounces processed cheese. Two cups cottage cheese equals one half cup milk.
- 3) One cup yogurt. One cup ice cream equals one half cup milk. NOTE: If cheese is used as a serving of milk it may not be counted as a serving of protein in the Meat Group.
- 4) One cup cottage cheese.

b) e) Meat Group MEAT GROUP: Two or more servings of good quality protein food of good quality. The following are examples of one serving:

- 1) Three ounces (excluding bone, and fat and breading) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.

- 2) Three ounces excluding skin and breading of cooked fish or shell fish or 1/2 one half cup canned fish.

- 3) Three ounces of natural or processed cheese or 3/4 three fourths cup cottage cheese.

- 4) Three eggs (minimum weight 21 ounces per dozen, considered a medium egg). Note: If one egg is served at a meal for breakfast, a protein food of good quality may be reduced from six to five ounces for the remaining meals. If two eggs are served at a meal for breakfast, a minimum of two ounces of good quality protein of good quality shall be served at each of the remaining meals.

- 5) 1 1/2 cups One cup cooked dried peas or beans, or six tablespoons of peanut butter, or one cup nuts, not more than twice a week and provided that eggs, milk or lean meat is are served at the same meal.

- 6) Three ounces of soy protein containing not less than 21 grams of protein or in combination with other sources of quality protein to equal 21 grams of protein, not more than twice a week and provided that it is acceptable to the resident population. Protein alternatives shall be listed on the menu as such.

- 7) 6) Combinations of all above examples are acceptable, provided that the minimum Minimum Standard of six ounces of a good quality protein food of good quality is served daily and provided that the combinations do not conflict with eye appeal or palatability.

- c) d) Vegetable and Fruit Group VEG-AND-FRUIT GROUP: Five Four or more one half cup servings of fruits fruit or vegetables.

- 1) A serving consists of this shall include the following:
 - A) 1/2 cup chopped, raw, cooked, canned or frozen fruit or

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Beverage:

B) ~~Snack--(7:30-9:00-P.M.)--Small Sandwich-with-Meat-Group filling-Fruit Juice-or-Milk--and-Dessert--(such-as-ice cream-cookies-jello-pudding-custard-or-fruit)--~~

2) ~~Other meal patterns may be used if approval is given by the Department prior to changing from a three meals a day pattern. Facilities that are using four or five meals a day pattern. On the effective date of this amendatory rulemaking may continue to use that meal pattern for up to one year prior to gaining Department approval as long as the menus meet subsections (a) through (g) of this Section. Department approval will be based on, but not limited to, compliance with the nutritional adequacy requirements of this Section and the facility's continued ability to serve the menu as approved and to meet the needs of the residents.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 330.1960 Therapeutic Diets (Repealed)

~~The diet--order--(see--Section 330.1940(a))--shall include--but is not limited to--the following information:--name of resident--room and bed number--type of diet--date diet order is sent--to--dietary--name of physician--ordering--the diet--and--the signature--of--the person transmitting the order--to--the food service department--Medically prescribed diets shall be recorded in the resident's medical record--and served as ordered:--The resident shall be observed--to determine acceptance--of--the diet--and--these observations shall be recorded in his record:--(B)~~

~~The kinds and variations of these prescribed therapeutic diets--shall be available in the kitchen:--If separate menus are not planned for each specific diet--diet information for each specific type--shall be posted in the kitchen:~~

d) ~~All oral therapeutic diets with the exception of liquid and medical soft diets shall be reviewed at least every three months:--Liquid diets shall be reviewed every 40 hours; medical soft diets shall be reviewed every three weeks:--This review may be done by nursing personnel with recommendations to the attending physician.~~

e) ~~If the facility accepts or retains individuals in need of medical prescribed diets, the diets shall be medically prescribed:--Menus for such diets shall be planned by a dietitian or nutritionist:--The facility shall provide the supervision for preparing and serving the special diets:--obtaining consultation as needed from a dietitian or nutritionist.~~

f) ~~The facility shall have available and in use two or more copies of a current diet manual approved by the Department:--One copy shall be located in the kitchen for use by dietary personnel; other copies~~

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~~shall be located in an area where resident's medical records are kept.~~
(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 330.1980 Menu and Food Records Menu Planning

a) Menus, including menus for "sack" lunches and between meal or bedtime snacks, shall be planned at least one week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions," which that is maintained in the kitchen. If a notebook is used to document substitutions, it shall include the date of the substitution; the meal at which the substitution was made; the menu as originally written; and the menu as actually served. (B) The menu for the current week shall be dated and posted in the kitchen. Upon the request of the Department, sample menus shall be submitted for evaluation.

c) Menus shall be different for the same day of consecutive weeks and adjusted for seasonal differences.

d) All menus as actually served shall be kept on file at the facility for not less than 30 days.

e) Food label information for purchased prepared food listing food composition and, when available, nutrient content shall be kept on file in the facility for the current menu cycle.

f) ~~Supplies of staple food for a minimum of a one week period and of perishable foods for a minimum of a two day period shall be maintained on the premises. These supplies shall be appropriate to meet the requirements of the menu.~~

g) ~~Records of all food purchased shall be kept on file for not less than 30 days.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 330. APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)

Interpretation of:

SHELTERED-CARE-FACILITIES

A---sheltered---care---facility---provides---personal---assistance---supervision---oversight---and---a---suitable---activities---program---Provisions---are---made---for---periodic medical supervision and other medical services as needed---Such facilities---are for---individuals---who---do---not---need---nursing---care---but---do---need---the---services---provided by---this---type---of---facility---in---meeting---their---needs---Examples---of---such---individuals are---referrals---from---institutions---for---the---mentally---handicapped---those---disabled from---aging---the---chronically---ill---whose---conditions---have---become---stabilized.

Components of:

SHELTERED-CARE-FACILITIES

The services provided are chiefly characterized by the fact that they can be provided by personnel other than those trained in medical or allied fields. The services are directed toward personal care, supervision, and protection.

The medical services emphasize a preventive approach of periodic medical supervision by the resident physician as part of a formal medical program that will provide required consultation services and also cover emergencies.

The dietary needs of residents are met by the provision of an adequate general diet or by therapeutic medically prescribed diets.

Activity programs, embracing a wide variety of activities to meet individual needs, receive a major emphasis.

Illustrative Services for:

SHELTERED-CARE-FACILITIES

The following services are illustrative of the care provided in a sheltered care facility:

Assistance with activities of daily living, such as bathing, dressing, and eating---Observation of and assistance with the adjustments of a resident who has been transferred from a psychiatric environment.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code2) Code Citation: 77 Ill. Adm. Code 3003) Section Numbers: Proposed Action:

300.330 Amendments
 300.660 Amendments
 300.663 Amendments
 300.1020 Amendments
 300.1025 Amendments
 300.1210 Amendments
 300.1220 Amendments
 300.1810 Amendments
 300.2010 Amendments
 300.2040 Amendments
 300.2050 Amendments
 300.2060 Repealer
 300.2080 Amendments
 APPENDIX A Repealer
 APPENDIX C Repealer

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]5) A Complete Description of the Subjects and Issues Involved: The rules in Part 300 govern the licensure of skilled nursing and intermediate care facilities.

In Section 300.330 (Definitions) the definition of "dietitian" is amended to reference the Dietetic and Nutrition Services Practice Act [225 ILCS 30]. The definition of Dietetic Service Supervisor is amended to delete reference to a "qualified" dietitian, since licensed dietitians are deemed to be qualified. The term "qualified" is also deleted in the definition of "Social Worker". Qualification is indicated by licensure status. The definition of "Institutional occupancy" is being deleted, since the term is no longer used in the rules.

Section 300.660 (Nursing Assistants) is being amended to allow nursing students to work as Certified Nursing Assistants while they are on vacation from school. Nursing Assistants who meet the requirements for equivalency under Section 300.663 will be allowed 120 days to submit documentation to be registered on the Nurse Aide Registry. Requirements for enrollment in and completion of training programs are clarified.

Section 300.663 is being amended to clarify requirements for equivalencies for registry of nursing assistants. An equivalency is being added for documentation of completion of a nursing program in a foreign country.

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Section 300.1020 (Communicable Disease Policies) is being reorganized and updated to include current admission policies and requirements for compliance with other Department Codes. A facility group, either an infection control committee, quality assurance committee, or other facility entity, shall establish policies and procedures for investigating, controlling, and preventing infections in the facility. Incorporated materials from the U.S. Public Health Service are added.

Section 300.1025 (Tuberculin Skin Test Procedure) is being revised to reference the Department's Control of Tuberculosis Code (77 Ill. Adm. Code 696).

Section 300.1210 (General Requirements for Nursing and Personal Care). More specific requirements for meeting residents' needs are being included.

In Section 300.1220 (Supervision of Nursing Services) the term "health services supervisor" is being deleted. The term "director of nursing facilities, if the director of nursing is not a registered nurse, arrangements must be made for consultation in the facility at least four hours each week from a registered nurse. Specific requirements for a comprehensive assessment of a resident's needs have been included.

Section 300.1810 (Resident Record Requirements) is being amended to include requirements for electronic or computer-generated signature, including development of a facility policy permitting such signatures and verification requirements.

Section 300.2010 (Director of Food Services) is being amended to include more specific requirements for consultation in facilities where the food service director is not a dietitian.

Section 300.2040 (Diet Orders) is being amended to include more specific requirements for diet orders and therapeutic diets.

The heading of Section 300.2050 is being changed from "Adequacy of Diet and Meal Pattern" to "Meal Planning," to emphasize that this Section is to be used to plan menus and purchase food. The daily food allowances have been amended to correspond to the Recommended Dietary Allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences. Soy protein has been added as an allowance in the Meat Group. Examples of what constitutes a "serving" have been included in each food group. Four- and five-meal-a-day plans may be used only with Department approval.

Section 300.3060 (Therapeutic Diets) is being repealed, since requirements for therapeutic diets are being included in Section 300.2040.

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The heading of Section 300.2080 is being changed from "Menu Planning" to "Menus and Foods Records." A requirement that food label information be kept on file for the current menu cycle is being added.

Section 300.APPENDIX A (Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities) is being repealed. This material is outdated and inaccurate.

Section 300.APPENDIX C (Federal Requirements Regarding Patients/Residents' Rights) is being repealed. Resident rights are set forth in Subpart P of the rules.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

9) Are there any other Proposed Amendments Pending on this Part? Yes

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
300.160	Amendments	22 Ill. Reg. 6185
300.163	New Section	22 Ill. Reg. 6185
300.340	Amendments	22 Ill. Reg. 15425
300.620	Amendments	22 Ill. Reg. 6185
300.661	Amendments	22 Ill. Reg. 6185
300.2820	Amendments	21 Ill. Reg. 15425
300.3230	Repealer	21 Ill. Reg. 15425

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register* by writing to:

Ms. Gail M. DeVito

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Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
[rules@idph.state.il.us]

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Skilled nursing and intermediate care facilities

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: No additional requirements

C) Types of Professional Skills Necessary for Compliance: Nursing, dietary, medical records

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

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300.110	General Requirements
300.120	Application for License
300.130	Licenses
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section
300.510

Administrator

SUBPART C: POLICIES

Section

300.610 Resident Care Policies
300.615 Determination of Need Screening
300.620 Admission and Discharge Policies
300.630 Contract Between Resident and Facility
300.640 Residents' Advisory Council
300.650 Personnel Policies
300.655 Initial Health Evaluation for Employees
300.660 Nursing Assistants
300.661 Health Care Worker Background Check
300.663 Registry of Certified Nurse Aides
300.665 Student Interns
300.670 Disaster Preparedness
300.680 Restraints
300.682 Nonemergency Use of Physical Restraints
300.684 Emergency Use of Physical Restraints
300.686 Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

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300.820
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General
Categories of Personnel
Consultation Services
Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section

300.1010 Medical Care Policies
300.1020 Communicable Disease Policies
300.1025 Tuberculin Skin Test Procedures
300.1030 Medical Emergencies
300.1035 Life-Sustaining Treatments
300.1040 Behavior Emergencies (Repealed)
300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

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SUBPART G: RESIDENT CARE SERVICES

300.1210 General Requirements for Nursing and Personal Care
300.1220 Supervision of Nursing Services
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SUBPART H: MEDICATIONS

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300.1410 Activity Program
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300.1610 Medication Policies and Procedures
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SUBPART I: RESIDENT AND FACILITY RECORDS

Section

300.1810 Resident Record Requirements
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300.1840 Retention and Transfer of Resident Records
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SUBPART J: FOOD SERVICE

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300.2010 Director of Food Services
300.2020 Dietary Staff in Addition to Director of Food Services
300.2030 Hygiene of Dietary Staff
300.2040 Diet Orders
300.2050 Meal Planning Adequacy-of-Diet-and-Meat-Pattern
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300.2070 Scheduling Meals
300.2080 Menus and Food Records Menu-Planning
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300.2100 Food Handling Sanitation
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SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

300.2210 Maintenance
300.2220 Housekeeping
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SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

300.2410 Furnishings
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SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

300.2610 Codes
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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.2810 Applicability of These Standards
300.2820 Codes and Standards
300.2830 Preparation of Drawings and Specifications
300.2840 Site
300.2850 Administration and Public Areas
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SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications

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300.3040 Site
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SUBPART P: RESIDENT'S RIGHTS

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300.3210 General
300.3220 Medical and Personal Care Program
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SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section

300.3410 Application of Other Divisions of These Minimum Standards
300.3420 Administrator
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300.3570 Occupational Therapy Services
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 300.3630 Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAYCARE PROGRAMS

Section
 300.3710 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)

APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)

APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights (Repealed)

APPENDIX D Forms for Day Care in Long-Term Care Facilities

APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation

APPENDIX F Guidelines for the Use of Various Drugs
 TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities

TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities

TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities

TABLE D Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606,

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effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; for a emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 534, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 300.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

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Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Access - the right to:

Enter any facility;

Communicate privately and without restriction with any resident who consents to the communication;

Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act [210 ILCS 45].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

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Adaptive Equipment - a physical or mechanical device, material or equipment attached or adjacent to the resident's body that may restrict freedom of movement or normal access to one's body, the purpose of which is to permit or encourage movement, or to provide opportunities for increased functioning, or to prevent contractures or deformities. Adaptive equipment is not a physical restraint. No matter the purpose, adaptive equipment does not include any device, material or method described in Section 300.680 of this Part as a physical restraint.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

With respect to a partnership, each partner thereof.

With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

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Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification and is in the process of accumulating the supervised experience required for certification.

Autism - a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not

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be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Chemical Restraint - Any drug that is used for discipline or convenience and is not required to treat medical symptoms or behavior manifestations of mental illness. (Section 2-106 of the Act)

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Convenience - the use of any restraint by the facility to control resident behavior or maintain a resident, which is not in the

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resident's best interest, and with less use of the facility's effort and resources than would otherwise be required by the facility. This definition is limited to the definition of chemical restraint and Section 300.680 of this Part.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist - any person licensed to practice dentistry, including includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

self-care,

receptive and expressive language,

learning,

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mobility,

self-direction,

capacity for independent living, and

economic self-sufficiency; and

reflects the person's need for combination and sequence of special, interdisciplinary or generic care treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801.1 of the Act)

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the programs in paragraphs (2), (3) or (4) of this definition.

Dietitian - a person who: is-eligible-for-registration-by-the-American Dietetic-Association;-or is a licensed dietitian as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30]. has-a baccalaureate-degree-with-major-studies-in-food-and-nutrition dietetics;-and-food-service-management;-has-one-year-of-supervisory experience-in-the-dietetic-service-of-a-health-care-institution;-and participates-annually-in-continuing-dietetic-education-

Direct Supervision - work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and

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methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Discipline - any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

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Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled.

Facility or Long-Term Care Facility - a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code [55 ILCS 5], or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities thereof, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];

Any "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140];

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living

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arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]; or

Any supportive residence licensed under the Supportive Residences Licensing Act [210 ILCS 65]. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance and personal care.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post-acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 [755 ILCS 5]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a

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disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, ninety percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

Individual Education Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

~~Institutional-Occupancy---when-used-in-this-Part-means-Health-Care Facilities--Group-77-as-defined-in-Chapter-167-paragraph-10-0001-of the-Life-Safety--Code--National-Fire-Protection-Association--(1995 Edition)-~~

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his

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or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheelchair, or a wheeled

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platform.

Mobile Resident - any resident who is able to move about either independently or with the aid of an assistive device such as a walker, crutches, a wheelchair, or a wheeled platform.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means the failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Assistant - any person who provides nursing care or personal

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care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a

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person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Physical Restraint - any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body. (Section 2-106 of the Act)

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician - any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of

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mental illness.

Psychologist - a person who is licensed to practice clinical psychology under the Clinical Psychologist Licensing Act [225 ILCS 15].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable Visiting Hours - any time between the hours of 10 a.m. and 8 p.m. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid license to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat Violation - For purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or

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directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room with a door that the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Sheltered Care - maintenance and personal care. (Section 1-124 of the Act)

Social Workery-Qualified - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and

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Social Work Practice Act [225 ILCS 20].

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a Corporation - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Story - when used in this Part, means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution, or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.140(a)(3) and 300.150(a)(3).

Substantial Failure - the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 300.165(b)(1).

Sufficient - same as adequate.

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Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 22 Ill. Reg. _____, effective

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SUBPART C: POLICIES

Section 300.660 Nursing Assistants

- a) A facility shall not employ an individual as a nurse aide unless the facility has inquired of the Department as to information in the Registry concerning the individual. (Section 3-206.01 of the Act) The Department shall advise the inquirer if the individual is on the Registry, if the individual has findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act, and if the individual has a current background check. (See Section 300.661 of this Part.)
- b) The facility shall ensure that each nursing assistant complies with each of the following conditions:
- 1) Is approved by the Department prior to registration on the Department's Nurse Aide Registry no later than 45 days after employment.
 - 2) Begins employment in a Department approved Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 395) no later than 45 days after employment. The nursing assistant shall successfully complete the training program within 120 days after the date of initial employment. A nursing assistant enrolled in a program approved in accordance with 77 Ill. Adm. Code 395.150(a)(2) shall not be employed no more than 120 days prior to successfully completing the program.
 - 3) Within 120 days after initial employment, submits documentation to the Department in accordance with Section 300.663 of this Part to be registered on the Nurse Aide Registry.
- c) Each person employed by the facility as a nursing assistant shall meet each of the following requirements:
- 1) Be at least sixteen years of age, of temperate habits and good moral character, honest, reliable and trustworthy (Section 3-206(a)(1) of the Act);
 - 2) Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents (Section 3-206(a)(2) of the Act);
 - 3) Provide evidence of prior employment or occupation, if any, and residence for two years prior to present employment as a nursing assistant (Section 3-206(a)(3) of the Act);
 - 4) Have completed at least eight years of grade school or provide proof of equivalent knowledge. (Section 3-206(a)(4) of the Act).
- d) The facility shall certify that each nursing assistant employed by the

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facility meets the requirements of this Section. The facility shall certify that each nursing assistant employed by the facility meets the requirements of this Section. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 9-206(d) and (e) of the Act)

- e) During inspections of the facility, the Department may require nursing assistants to demonstrate competency in the principles, techniques, and procedures covered by the basic nursing assistant training program curriculum described in the rules governing training programs for nursing assistants and aides (see 77 Ill. Adm. Code 395), when possible problems in the care provided by aides or other evidences of inadequate training are observed. The State approved manual skills evaluation testing format and forms will be used to determine competency of a nursing assistant en aide when appropriate. Failure to demonstrate competency of the principles, techniques and procedures shall result in the provision of in-service training to the individual by the facility. The in-service training shall address the basic nursing assistant training principles and techniques relative to the procedures in which the nursing assistants aides are found to be deficient during inspection (see 77 Ill. Adm. Code 395).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 300.663 Registry of Certified Nurse Aides

- a) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance with the Long-Term Care Assistants and Aides Training Program Code (77 Ill. Adm. Code 395) and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act.
- b) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following equivalencies:
- 1) Documentation of current registration from another state indicating that the requirements of 42 CFR 483.151 - 483.154 (October 1, 1994, no further amendments or editions included) have been met and that there are no documented findings of abuse, neglect, or misappropriation of property.
 - 2) Documentation of successful completion of a nursing arts course (e.g., Basics in Nursing, Fundamentals of Nursing, Nursing 101) with at least 40 hours of supervised clinical experience in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and, within 120 days after employment, successful completion of the

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- Department established nursing assistant competency test.
- 3) Documentation of successful completion of a United States military training program that includes the content of the Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 395) and at least 40 hours of supervised clinical experience, as evidenced by a diploma, certification, DD-214, or other written verification, and, within 120 days after employment, successful completion of the written portion of the Department established nursing assistant competency test.
- 4) Documentation of completion of a nursing program in a foreign country, including the following, and, within 120 days after employment, successful completion of the Department-established nursing assistant competency test:
- A) A copy of the license, diploma, registration or other proof of completion of the program;
 - B) Proof of application to the Department of Professional Regulation for licensure in Illinois;
 - C) A copy of the Social Security card; and
 - D) Visa or proof of citizenship.
- c) An individual shall notify the Nurse Aide Registry of any change of address within 30 days and of any name change within 30 days and shall submit proof of any name change to the Department. (Section 3-206.01 of the Act)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section 300.1020 Communicable Disease Policies

- a) The facility shall meet the Control of Communicable Diseases Code (77 Ill. Adm. Code 690) so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases.
- b) The facility shall not knowingly admit a person with a communicable, contagious or infectious disease, except as allowed in subsection (d) of this Section. A resident who is suspected of or diagnosed as having any such disease shall be placed in isolation, if required, in accordance with the Control of Communicable Diseases Code until isolation can be discontinued or the person can be transferred.
- c) All illnesses required to be reported under the Control of Communicable Diseases Code and Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) shall be reported immediately to the local health department and to the Department. The facility shall furnish all pertinent information relating to such occurrences. In addition, the facility shall inform the Department of all incidents of scabies and other skin infestations.
- d) Admission of persons with communicable, contagious, or infectious

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diseases

- 1) Persons with communicable, contagious, or infectious diseases may be admitted under the following conditions:
- A) When a person's infectious condition is directly related to one or more chronic pressure sores, from which laboratory tests have proven the presence of a pathogenic organism. Such a person may be admitted if the facility is capable of implementing appropriate treatment and isolation techniques to avoid secondary spread of infection.
 - B) When a person's condition is communicable, contagious, or infectious only through blood or other body fluid contact, such as hepatitis, acquired immunodeficiency virus (HIV) infection.
- 2) The facility shall notify the Department no later than five working days after the date of the admission of any person with a communicable, contagious, or infectious disease under subsection (d)(1) of this Section. The notice to the Department shall include at least the date of the admission and the nature of the condition.
- 3) Written approval to admit or keep a person with other communicable, contagious, or infectious diseases may be granted by the Department on an individual case basis. Such approval will depend upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the person and to safeguard the staff and other residents of the facility from the spread of primary and secondary infections.
- e) Infection control responsibilities
- 1) The administrator shall assume the responsibility for the establishment of policies and procedures designed to control the spread of infections in the facility.
 - 2) The administrator shall establish an infection control committee composed of one or more members of the medical staff and one or more representatives of each of the services provided by the facility, such as nursing, administration, and the dietary, pharmacy, housekeeping, maintenance and other services.
- 1) Policies the committee shall establish policies and procedures for investigating, controlling, and preventing infections in the facility shall be established and followed. A group, either an infection control committee, quality assurance committee, or other facility entity, shall periodically review the results of investigations and activities to control infections. The policies and procedures established by the committee shall be consistent with and include the requirements of the rules of the Department of Public Health entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693). Activities shall be monitored to ensure the committee shall monitor staff activities to insure that these policies and procedures are followed. (B)

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2)4) Each facility shall adhere to the recommendations of the U.S. Public Health Service contained in the publication entitled "Guidelines for the Prevention and Control of Nosocomial Infection." This publication may be obtained from the Center for Infectious Diseases, Centers for Disease Control, U.S. Public Health Service, Department of Health and Human Services, Atlanta, Georgia 30333. This publication includes the following guidelines:

- A) "Guideline for Prevention of Catheter-Associated Urinary Tract Infections" (October 1981).
- B) "Guideline for Handwashing and Hospital Environmental Control" (1985).
- C) "Guideline for Prevention of Intravascular Infections" (October 1981).
- D) "Guideline for Prevention of Surgical Wound Infections" (March 1982, Revised 1985).
- E) "Guideline for Prevention of Nosocomial Pneumonia" (February 1994 July-1982).
- F) "Guideline for Isolation Precautions in Hospitals" (January 1996 July-1983).
- G) "Guideline for Infection Control in Hospital Personnel" (July 1983).

b) Admission of Persons--with--Communicable--Contagious--or--infectious Diseases

1) Persons--with--communicable--contagious--or--infectious--disease--may be--admitted--under--the--following--conditions:

A) When a person's infectious condition is directly related to one--or--more--chronic--deebital--vicers--from--which--laboratory tests--have--proven--the--presence--of--a--pathogenic--organism. Such a resident may be admitted when the facility is capable of implementing appropriate treatment and isolation techniques to avoid secondary spread of infection.

B) When a person's condition is communicable--contagious--or--infectious--only--through--blood--or--other--body--fluid--contact, such as hepatitis, acquired immunodeficiency syndrome (AIDS), or AIDS-related complex (ARC), or human immunodeficiency virus (HIV) infection.

2) The facility shall notify the Department no later than five working days after the date of the admission of any person with a communicable--contagious--or--infectious--condition--under subsection (b)(1) of this Section. The notice to the Department shall include at least the date of the admission and the nature of the condition.

3) Permission to admit persons with other communicable--contagious--or--infectious--diseases--may--be--requested--on--an--individual--case basis--Permission--to--admit--or--keep--a--person--with--any--other communicable--contagious--or--infectious--disease--shall--require--the written approval of the Department. Such approval will be

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dependent upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the person and to adequately safeguard the staff and other residents of the facility from the spread of primary and secondary infections.

e) Any resident when suspected or diagnosed as having any communicable contagious--or--infectious--disease--shall--be--placed--in--the--appropriate type of isolation and appropriate infection control procedures--shall be initiated as required by the rules of the Department of Public Health entitled "Control of Communicable Disease" (77 Ill. Adm. Code 690) and "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693) and as specified in the U.S. Public Health Service guidelines listed in subsection (a)(4) of this Section for the period of time required for each specific disease or until removed from the facility--(A)-(B)

d) All illnesses required to be reported under the rules of the Department of Public Health entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693) shall be reported immediately to the local health department and to the Department. The administrator shall furnish all pertinent information relating to such occurrences in addition the Department shall also be informed of all Sexies and other skin infestations--(B)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 300.1025 Tuberculin Skin Test Procedures

Tuberculin skin tests for employees and residents shall be conducted in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696). requirements in this Section:

a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.

b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.

e) A significant reaction shall be considered to exist when either of the following conditions are present:

- 1) There is an area of induration ten mm or more in diameter.
- 2) There is an area of induration five mm or more in diameter and there is attending physician or local health authority suspect tuberculosis on the basis of disease or exposure.

d) If the first test is nonsignificant, a second test shall be given at least one week, but no more than three weeks, after the first test.

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e) ~~If the first or second test reaction is significant or if active tuberculosis is suspected at any time the attending physician or local health authority shall order any further examinations and treatment which is considered necessary such as x-rays, cultures, or sputum smears.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART F: NURSING AND PERSONAL CARE

Section 300.1210 General Requirements for Nursing and Personal Care

a) The facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychological well-being of the resident, in accordance with each resident's comprehensive assessment and plan of care. Adequate and properly supervised nursing care and personal care shall be provided to each resident to meet the total nursing and personal care needs of the resident.

b) ~~Restorative/rehabilitative nursing measures shall be practiced on a 24 hour day, seven day week basis. Those procedures requiring medical approval shall be ordered by the attending physician. Restorative measures shall include at a minimum the following procedures:~~

1) The licensed nurse in charge of the restorative/rehabilitative nursing program shall have successfully completed a course or other training program that which includes at least 60 hours of classroom/lab training in restorative/rehabilitative nursing as evidenced by a transcript, certificate, diploma, or other written documentation from an accredited school or recognized accrediting agency such as a State or National organization of nurses or a State licensing authority. Such training shall address each of the measures outlined in subsections subsection (a)(2)-(5) (b)(2) of this Section. This person may be the Director of Nursing, Assistant Director of Nursing or another nurse designated by the Director of Nursing to be in charge of the restorative/rehabilitative nursing program.

2) All nursing personnel shall assist and encourage residents so that a resident who enters the facility without a limited range of motion does not experience reduction in range of motion unless the resident's clinical condition demonstrates that a reduction in range of motion is unavoidable. All nursing personnel shall assist and encourage residents so that a resident with a limited range of motion receives appropriate treatment and services to increase range of motion and/or to prevent further decrease in range of motion. All nursing personnel shall encourage and assist residents in maintaining good body alignment while standing or sitting or lying in bed.

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3) All nursing personnel shall assist and encourage residents so that a resident who is incontinent of bowel and/or bladder receives the appropriate treatment and services to prevent urinary tract infections and to restore as much normal bladder function as possible. All nursing personnel shall assist residents so that a resident who enters the facility without an indwelling catheter is not catheterized unless the resident's clinical condition demonstrates that catheterization is necessary. All nursing personnel shall assist residents in maintaining maximum joint range of motion and active range of motion.

4) All nursing personnel shall assist and encourage residents so that a resident's abilities in activities of daily living do not diminish unless circumstances of the individual's clinical condition demonstrate that diminution was unavoidable. This includes the resident's abilities to bathe, dress, and groom; transfer and ambulate; toilet; eat; and use speech, language, or other functional communication systems. A resident who is unable to carry out activities of daily living shall receive the services necessary to maintain good nutrition, grooming, and personal hygiene. Residents who are incontinent shall be evaluated for an individualized bowel and bladder program and such a program shall be instituted when appropriate. The use of indwelling catheters shall be discouraged.

5) All nursing personnel shall assist and encourage residents with ambulation and safe transfer activities as often as necessary in an effort to help them retain or maintain their highest practicable level of functioning. All nursing personnel shall encourage and when necessary teach residents to function at their maximum level in all activities of daily living.

6) All nursing personnel shall assist and encourage residents with ambulation as often as necessary but not less than daily unless otherwise ordered by the physician.

7) All nursing personnel shall teach and assist residents with safe transfer activities in an effort to help them retain or regain their maximum level of independence.

8) Documentation of resident treatment and response to same shall be maintained as set forth in Section 300.1010(c).

b) General nursing care shall include at a minimum the following and shall be practiced on a 24-hour, seven day a week basis:

1) Medications including oral, rectal, hypodermic, intravenous and intramuscular shall be properly administered.

2) Treatments and procedures including but not limited to enemas, irrigations, catheterizations, applications of dressing or bandages, supervision of special diets, shall be properly carried out.

2) All treatments and procedures shall be administered as ordered by the physician.

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3)4† Objective observations of changes in a resident's condition, including mental and emotional changes, as a means for analyzing and determining care required and the need for further medical evaluation and treatment shall be made by nursing staff and recorded in the resident's medical record.

4)5† Personal care--as-defined-in-Section-308-3307 shall be provided on a 24-hour, seven day a week basis. This shall include, but not be limited to, the following:

- A) Each resident shall have proper daily personal attention, including skin, nails, hair, and oral hygiene, in addition to treatment ordered by the physician.
- B) Each resident shall have at least one complete bath and hair wash weekly and as many additional baths and hair washes as necessary for satisfactory personal hygiene.
- C) Each resident shall have clean suitable clothing in order to be comfortable, sanitary, free of odors, and decent in appearance. Unless otherwise indicated by his/her physician, this should be street clothes and shoes.
- D) Each resident shall have clean bed linens at least once weekly and more often if necessary.

5)6† A regular program to prevent and treat pressure sores, heat rashes or other skin breakdown shall be practiced on a 24 hour, seven day a week basis--includng--but-not-limited-to- so that a resident who enters the facility without pressure sores does not develop pressure sores unless the individual's clinical condition demonstrates that the pressure sores were unavoidable. A resident having pressure sores shall receive treatment and services to promote healing, prevent infection, and prevent new pressure sores from developing.

A) An-evaluation-of--each--resident--shall--be--conducted--upon admittance--and-as-necessary-to-determine-the-susceptibility of-the-resident-to-skin-breakdown--Preventive-measures--and treatment-measures-shall-be-carried-out-by-facility-staff.

B) Skin--care--shall--be--provided--which--includes--but-is-not limited-to-bathing--clean-linens--and-clothing--each-time-the resident--the-bed-or-clothing-is-soiled.

C) Residents--shall-be-assisted-in-being-up-and-out--of--bed--as much-as-possible--and-shall-be-repositioned-whether-in-bed-or out-of-bed-as-their-condition-indicates.

D) Proper--equipment--shall--be--utilized--to--prevent-or-treat pressure-sores--such-as--proper--padding--between--pressure points--adaptive-equipment--splints--and-water-mattresses.

E) An-evaluation-of-each-resident's-nutritional-status-shall-be conducted--to-determine-if-increased-nutritional-support-is needed.

6)7† All necessary precautions shall be taken to assure that the residents' environment remains as free of accident hazards as possible. All nursing personnel shall evaluate residents to see

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that each resident receives adequate supervision and assistance to prevent accidents, the safety-of-residents-at-all-times--such as--but-not--limited--to--nonslip-wax-on-floors--safe-equipment--assistive-devices-properly-maintained--and-proper-use-of-physical restraints-and-adaptive-equipment.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 300.1220 Supervision of Nursing Services

a) Each skilled nursing facility shall have a director of nursing services (DON) service-or-health-services-supervisor who shall be a registered nurse. In intermediate care facilities, the director of nursing service or health-services-supervisor shall be a registered nurse (RN) or a licensed practical nurse (LPN) by education. (b)

1) This person shall have knowledge and training in nursing service administration and restorative/rehabilitative nursing. This person shall also have some knowledge and training in the care of the type of residents the facility cares for (e.g., geriatric, pediatric, or psychiatric residents). This does not mean that the director of nursing must have completed a specific course or a specific number of hours of training in restorative/rehabilitative nursing unless this person in charge of the restorative/rehabilitative nursing program. (See Section 300.1210(ab).)

2) This person shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. At least 50 percent % of this person's hours shall be regularly scheduled between 7 A.M. and 7 P.M.

A) A facility may, with written approval from the Department, have two nurses share the duties of this position if the facility it is unable to obtain a full-time person. Such an arrangement will be approved granted-approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full time full-time; and information about the numbers and availability of licensed nurses in the area. The Department will grant approval only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of nurses available in the area cannot be expected to produce, in the

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near future, a qualified person who is willing to work full time full-time.

- B) If two persons are to share the position in an intermediate care facility, one shall be designated the DON Health Services-Supervisor. Both of these persons may be RNs Registered--Nurses--RN's, both may be LPNs Licensed-Practical Nurses--LPN's, or one may be an RN and the other an LPN. In the latter case, the RN shall be designated as the DON Health-Services-Supervisor and the LPN shall be designated as the Assistant Director of Nursing Service (ADON) Assistant-Health-Services-Supervisor.
- C) In a facility licensed wholly or in part as a skilled nursing facility Skilled--Nursing--Facility, both of these persons must be RNs RN's.
- D) In facilities with a capacity of fewer less than 50 beds, this person may also provide direct patient care, and this person's time may be included in meeting the staff-to-resident staff/resident ratio requirements.
- 3) In intermediate care facilities, if the director of nursing is not a registered nurse, consultation shall be provided in the facility at least four hours each week from a registered nurse.
- 4)3) In skilled nursing facilities of 100 or more occupied beds, there shall be an ADON Assistant-director-of-nursing--service--or assistant--health--services--supervisor who is a registered nurse licensed-to-practice-in-illinois. This person shall also meet the qualifications specified in subsection (a)(1) of this Section for the director of nursing service or--health--services supervisor.
- 5)4) In intermediate care facilities of 150 or more occupied beds, there--shall--be a licensed nurse shall be designated as the ADON Assistant--director--of--nursing--service--or--assistant--health services--supervisor--(BONS/HSS). This person shall perform the duties of the DON BONS/HSS when the DON BONS/HSS is on vacation or extended sick leave. The assistant may provide direct patient care and be included in staff-to-resident ratio calculations.
- 6)5) The assistant shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. The assistant may be assigned to work hours any time of the day or night.
- 7)6) The assistant shall assist the DON BONS/HSS in carrying out his/her the responsibilities of the--BONS/HSS.
- 8)7) If the--BONS/HSS--or--the--assistant--have other duties which interfere with the proper performance of the DON's or ADON's their duties, another nurse shall be assigned to perform the duties of the DON BONS/HSS or assistant for that period of time when they are performing such other duties.
- b) The DON BONS/HSS shall oversee the nursing services of the facility including--This person's duties shall include:
- 1) Assigning and directing the activities of nursing service

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personnel.

- 2) Overseeing the comprehensive assessment of the residents' needs, which include medically defined conditions and medical functional status, sensory and physical impairments, nutritional status and requirements, psychosocial status, discharge potential, dental condition, activities potential, rehabilitation potential, cognitive status, and drug therapy.
- 3)3) Planning an up-to-date resident care plan for each resident based on the resident's comprehensive assessment, individual needs and goals to be accomplished, physician's orders, and personal care and nursing needs. Personnel, representing other services such as nursing, activities, dietary, and such other modalities as are ordered by the physician, shall be involved in the preparation of the resident care plan. The plan shall be in writing and shall be reviewed and modified in keeping with the care needed as indicated by the resident's condition. The plan shall be reviewed at least every three months.
- 4)3) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.
- 5)4) Participating in planning and budgeting for nursing services, including purchasing of necessary equipment and supplies.
- 6)5) Developing and maintaining nursing service objectives, standards of nursing practice, written policies and procedures, and written job descriptions for each level of nursing personnel.
- 7)6) Coordinating health services and nursing services with other resident care services such as medical, pharmaceutical, dietary activities, and any other restorative/rehabilitative services offered.
- 8)7) Planning of in-service education, embracing orientation, skill training, and on-going education for all personnel and covering all aspects of resident care and programming. The educational program shall include training and practice in activities and restorative/rehabilitative nursing techniques through out-of-facility or in-facility training programs. This person may conduct these programs personally or see to-it that they are carried out.
- 9)8) Participating in the development and implementation of resident care policies and bringing resident care problems, requiring changes in policy, to the attention of the facility's policy development group. (See Section 300.610(a).)
- 10)9) Participating in the screening of prospective residents and their placement in terms of services they need and nursing competencies available.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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SUBPART I: RESIDENT AND FACILITY RECORDS

Section 300.1810 Resident Record Requirements

- a) Each facility shall have a medical record system that retrieves ~~facilities---the---retrieval---of~~ information regarding individual residents ~~as demonstrated by the facility.~~
- b) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible and available at all times to those personnel authorized by the facility's policies, and to the Department's representatives.
- c) Record entries shall meet the following requirements:
 - 1) All entries into the medical record shall be authenticated by the individual who made or authored the entry. "Authentication," for purposes of this Section, means identification of the author of a medical record entry by that author and confirmation that the contents are what the author intended.
 - 2) Medical record entries shall include all notes, orders or observations made by direct resident care providers and any other individuals required to make such entries in the medical record, and written interpretive reports of diagnostic tests or specific treatments including, but not limited to, radiologic or laboratory reports and other similar reports.
 - 3) Written signatures or initials and electronic signature codes are acceptable as authentication. All signatures or initials, whether written, electronic, or computer generated, shall include the initials of the signer's credentials.
 - 4) In order for a facility to employ electronic signatures or computer-generated signature codes for authentication purposes, the facility's governing body, administrator and medical director must adopt a policy that permits authentication by electronic or computer-generated signature. The policy shall identify those categories of the medical staff, allied health staff or other personnel within the facility who are authorized to authenticate resident records using electronic or computer-generated signatures.
 - 5) At a minimum, the policy shall include adequate safeguards to ensure confidentiality, including, but not limited to, the following:
 - A) Each user must be assigned a unique identifier that is generated through a confidential access code.
 - B) The facility must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate use of that particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been

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ina) appropriately used.

- C) The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.
- D) The facility periodically must monitor the use of identifiers and take corrective action as needed. The process by which the facility will conduct the monitoring shall be described in the policy.
- 6) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions.
 - A) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.
 - B) The system must make an opportunity available to the user to verify that the document is accurate and that the signature has been properly recorded.
 - C) As part of its quality assurance activities, the facility must periodically sample records generated by the system to verify the accuracy and integrity of the system.
- 7) A user may terminate authorization for use of electronic or computer-generated signature upon written notice to the individual responsible for medical records or other person designated by the facility's policy.
- 8) Each report generated by a user must be separately authenticated.
- 1) Record entries shall be made by the person providing or supervising the service or observing the occurrence that is being recorded.
- 2) Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry.
- d) All physician's orders, plans of treatment, Medicare or Medicaid certification, recertification statements, and similar documents shall have the authentication original written signature of the physician. The use of a physician's rubber stamp signature, with or without initials, is not acceptable.
- e) The record shall include medically defined conditions and prior medical history, medical status, physical and mental functional status, sensory and physical impairments, nutritional status and requirements, special treatments and procedures, mental and psychosocial status, discharge potential, rehabilitation potential,

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cognitive status and drug therapy.

f) An ongoing resident record including progression toward and regression from established resident goals shall be maintained. (b)

1) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change. (b)

2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or rehabilitation services shall be included in the resident's progress record when the recommendations pertain to an individual resident.

g) A medication administration record shall be maintained which contains the date and time each medication is given, name of drug, dosage, and by whom administered.

h) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. Physician ordered procedures that which shall be recorded include, but are not limited to, the prevention and treatment of decubitus ulcers, weight monitoring to determine a resident's weight loss or gain, catheter/ostomy care, blood pressure monitoring, and fluid intake and output.

i) The facility may use shall-have--the--option--of-using universal progress notes in the medical records.

j) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period. The facility's record retirement policy shall not conflict with the record retention requirements contained in Section 300.1840 of this Part.

k) Discharge information shall be completed within 48 hours after the resident leaves the facility. The resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART J: FOOD SERVICE

Section 300.2010 Director of Food Services

a) A facility shall have a full-time person, qualified suited by training and experience, shall who--has--been--designated--by--the administrator--to be responsible for the total food and nutrition services service-operation of the facility. This person shall be on duty a minimum of 40 hours each week. (b)

1) This person shall be either a dietitian or a dietetic service

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supervisor as-defined-in-Section-300-330. (b)

2) The person responsible for the food service supervisor--director may assume some cooking duties but only if these duties do not interfere with the responsibilities of management and supervision.

b) Consultation

1) If the person responsible for food service is not a dietitian, the person shall have frequent and regularly scheduled consultation from a dietitian. Consultation, given in the facility, shall include training in areas such as menu planning and review, food preparation, food storage, food service, safety, food sanitation, and use of equipment. Clinical management of therapeutic diets shall also be included in consulting, covering areas such as tube feeding; nutritional status and requirements of residents, including weight, height, hematologic and biochemical assessments; physical limitations; adaptive equipment; and clinical observations of nutrition, nutritional intake, resident's eating habits and preferences, and dietary restrictions. This consultation--given-in-the-facility--shall-not-be-less-than-four-hours each-month-and-shall-include-consultation-and--training--in--all--food service-procedures-such-as-menu-planning-and-review--food-preparation--food--storage--food--service--safety--sanitation--and-management-of therapeutic-diets--in-service-education-in-appropriate-subject--areas shall-be-given-to-all-facility-staff.

1) Intermediate care facilities: A minimum of eight hours of consulting time per month shall be provided for facilities with 50 or fewer beds. An additional four hours of consulting time per month shall be provided for each 75 licensed beds or part thereof.

2) Skilled nursing facilities: A minimum of ten hours of consulting time per month shall be provided for facilities with 50 or fewer beds. An additional eight hours of consulting time per month shall be provided for each 75 licensed beds or part thereof.

2) Additional-for-Skilled-Nursing-Facilities--in--skilled--nursing facilities--such--consultation-shall-be-given-not-less-than-eight hours-per-month-

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 300.2040 Diet Orders

a) Two or more copies of a current diet manual shall be available and in use. One copy shall be located in the kitchen for use by dietary personnel. Other copies shall be located at each nurses' station for use by physicians when prescribing diets.

b) Physicians shall write a diet order, in the medical record, for each resident residents indicating whether the resident is to have a general or a therapeutic diet. The and-the diet shall be served as

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ordered. A diet order for each resident shall be sent in writing to the food service department for each new admission and for every subsequent change in diet for that resident ordered by his physician.

c) A written diet order shall be sent to the food service department when each resident is admitted and each time that the resident's diet is changed. Each change shall be ordered by the physician. A diet order for each resident shall be sent in writing to the food service department. The diet order shall include, at a minimum, the following information: name of resident, room and bed number, type of diet, consistency if other than regular, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department. (See Section 300-2060 for ordering therapeutic diets.)

d) The resident shall be observed to determine acceptance of the diet, and these observations shall be recorded in the medical history record.

e) A therapeutic diet means a diet ordered by the physician as part of a treatment for a disease or clinical condition, to eliminate or decrease certain substances in the diet (e.g., sodium) or to increase certain substances in the diet (e.g., potassium), or to provide food in a form that the resident is able to eat (e.g., mechanically altered diet).

f) All therapeutic diets shall be medically prescribed and shall be planned or approved by a dietitian.

g) The kinds and variations of prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type, in a form easily understood by staff, shall be posted in a convenient location in the kitchen.

h) All oral liquid diets shall be reviewed every 48 hours. Medical soft diet, sometimes known as transitional diets, shall be reviewed every three weeks. All other therapeutic and mechanically altered diets, including commercially prepared formulas that are in liquid form and blenderized liquid diets, shall be reviewed as needed, or at least every three months.

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

Section 300.2050 Meal Planning Adequacy of Diet and Meal Pattern

The facility shall use this Section to plan menus and purchase food. Each resident shall be served food to meet the resident's needs and to meet physician's orders. The daily food allowance for each resident shall be in accordance with the Recommended Dietary Allowances meet the basic food pattern for a general diet for an adult following the recommendations of the Food and Nutrition Board of the National Research Council, National Academy of Sciences, and shall include:

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a) Milk and Milk Products: 16 ounces Two or more eight-ounce servings of Grade A whole or low fat pasteurized milk where milk is used for fluid consumption. Calcium equivalents for eight ounces of milk: (See Section 300-2100). Cheese and ice cream may be used to replace part of the milk. The amount of either needed to replace a given amount of milk is figured on the basis of calcium content. The equivalents are as follows:

- 1) 1 1/2 ounces natural cheese. One-inch cube of cheddar-type cheese equals one-half cup milk
- 2) Two ounces processed cheese. Two-thirds cup cottage cheese equals one-half cup milk
- 3) One cup yogurt. One cup ice cream equals one-half cup milk
- 4) One cup cottage cheese. Note: If cheese is used as a serving of milk, it may not be also counted as a serving of protein in the Meat Group.

b) Meat Group: Two or more servings of good quality protein food of good quality. The following are examples of one serving:

- 1) Three ounces (excluding bone, and fat and breading) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.
- 2) Three ounces (excluding skin and breading) of cooked fish or shell fish or 1/2 one-half cup canned fish.
- 3) Three ounces of natural or processed cheese or 3/4 three-fourths cup cottage cheese.
- 4) Three eggs (minimum weight 21 ounces per dozen, considered a medium egg).

Note: If one egg is served at a meal for breakfast, a protein food of good quality may be reduced from six to five ounces for the remaining meals. If two eggs are served at a meal for breakfast, a minimum of two ounces of good quality protein of good quality shall be served at each of the remaining meals.

5) 1 1/2 cups one-cup cooked dried peas or beans, or six tablespoons of peanut butter, or one cup nuts, not more than twice a week and provided that eggs, milk or lean meat is served at the same meal.

6) Three ounces of soy protein containing not less than 21 grams of protein or in combination with other sources of quality protein to equal 21 grams of protein, not more than twice a week and provided that it is acceptable to the resident population. Protein alternatives shall be listed on the menu as such.

7) 16) Combinations of all above examples are acceptable, provided that the minimum standard of six ounces of a good quality protein food of good quality is served daily and provided that the combinations do not conflict with eye appeal or palatability.

c) Vegetable and Fruit Group: Five Four or more one-half-cup servings of fruits or vegetables.

- 1) A serving consists of: This shall include the following:

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- B) ~~Brunch--(10-00--or--10-30--a-m)--Pruit--or--Juicer--Cereal--Eggs--or--Meat--Bishy--Bread--or--Muffin--or--Special--Toast--Butter--or--Margarine--Milk--and--Choice--of--Additional--Beverage~~
- E) ~~Midday--Meat--(1-00--or--1-30--p-m)--Quality--Protein--Bread--or--Bread-Substitute--Butter--or--Margarine--Dessert--Nourishing--Beverage--and--Soup--(optional)--~~
- B) ~~Binnet--(4-00--or--4-30--p-m)--Meat--Fish--or--Poultry--Potato--or--Potato--Substitute--Vegetable--Salad--Bread--or--Roll--Butter--or--Margarine--Dessert--Milk--and--Choice--of--Additional--Beverage~~
- B) ~~Evening--Meat--(7-00--or--7-30--p-m)--Quality--Protein--Bread--or--Bread-Substitute--Dessert--and--Nourishing--Beverage~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 300.2060 Therapeutic Diets (Repealed)

- a) ~~The diet order--(see--Section 300.2040(b))--shall include--but is not limited to--the following information:--name of resident--room and bed number--type of diet--date diet order is sent to dietary--name of physician--ordering the diet--and the signature of the person transmitting the order to the food service department.~~
- b) ~~Medically prescribed diets shall be recorded in the resident's medical record and served as ordered--The resident shall be observed to determine acceptance of the diet--and these observations shall be recorded in his record--(B)~~
- e) ~~The kinds and variations of these prescribed therapeutic diets shall be available in the kitchen--if separate menus are not planned for each specific diet--diet information for each specific type shall be posted in the kitchen.~~
- d) ~~All oral therapeutic diets with the exception of liquid and medical soft diets shall be reviewed at least every three months--Liquid diets shall be reviewed every 40 hours--medical soft diets shall be reviewed every three weeks--This review may be done by nursing personnel with recommendations to the attending physician--(B)~~
- e) ~~The facility shall have available and in use two or more copies of a current diet manual approved by the Department--One copy shall be located in the kitchen for use by dietary personnel--other copies shall be located at each nurses' station for available use by the physician when prescribing diets.~~
- f) ~~All special diets or dietary restrictions shall be immediately prescribed--and shall be planned or approved by a dietitian or nutritionist--(B)~~

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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Section 300.2080 Menus and Food Records Menu-Planning

- a) Menus, including menus for "sack" lunches and between meal or bedtime snacks, shall be planned at least one week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions," which that is kept in the kitchen. If a notebook is used to document substitutions, it shall include the date of the substitution; the meal at which the substitution was made; the menu as originally written; and the menu as actually served. (B)
- b) The menu for the current week shall be dated and posted in the kitchen. Upon the request of the Department, sample menus shall be submitted for evaluation.
- c) Menus shall be different for the same day of consecutive weeks and adjusted for seasonal differences.
- d) All menus as actually served shall be kept on file at the facility for not less than 30 days.
- e) Food label information for purchased prepared food listing food composition and, when available, nutrient content shall be kept on file in the facility for the current menu cycle.
- f) Supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two day period shall be maintained on the premises. These supplies supplies shall be appropriate to meet the requirements of the menu.
- g) Records of all food purchased shall be kept on file for not less than 30 days.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 300. APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities: (Repealed)

The interpretation, components, and illustrative services listed in this appendix are guidelines only and are not to be used as absolute criteria for determining whether a person must be moved from a facility licensed for one level of care to a facility licensed for another level of care.

Interpretation of:

INTERMEDIATE CARE FACILITIES:

An intermediate care facility provides basic care, including physical, emotional, social, and other restorative services under periodic medical supervision. Many of these services, such as nursing care, may require skill in administration. Most of the residents have long-term illnesses or disabilities which may have reached a relatively stable plateau. Other residents whose conditions are stabilized may need medical and nursing services to maintain stability. Essential supportive consultant services are provided.

Interpretation of:

SKILLED NURSING FACILITIES:

A skilled nursing facility provides skilled care, including physical, emotional, social, and other restorative services for a resident. This resident no longer need the type care and treatment provided in a hospital but does require frequent medical supervision and continuous skilled nursing observations. The program of care is directed toward the restoration of personal and social independence and health. Available resources, family, and community are utilized to plan and reach realistic goals.

The facility is staffed and equipped to continue the care plan initiated in a hospital with appropriate modifications as the resident's condition changes, thus helping him to progress toward his highest level of functioning.

Services are also provided to a chronically ill resident who may have been cared for at home or in a facility offering basic care and/or personal assistance during the periods when his condition was stabilized but who, not because of a change in condition or because of continued stability, needs skilled care.

While the emphasis is on the provision of skilled nursing and related care, a wide range of specialized medical and allied services direct and consultant must be provided and used appropriately to support the resident in his treatments.

Components of:

INTERMEDIATE CARE FACILITIES:

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The following services characterize an Intermediate Care Facility:

Observations of a routine which can be accomplished on general nursing grounds or while procedures such as temperature, pulse, and respiration are being done. Relatively simple routine medications and/or simple treatments, and/or occasional PRN medication or treatments.

Necessary physical care, such as giving baths or assisting with or supervision baths, oral hygiene, etc. This care should be restorative in nature with the goal of fostering independence in activities of daily living.

Limited or occasional special tests.

Frequent and sometimes continuous emotional support in connection with moderately severe or periodic emotional disturbances as guided by a care plan that reflects meaningful follow-through on consultant recommendations.

Teaching and/or supervised practice as a necessary part of restorative care.

Components of:

SKILLED NURSING FACILITIES:

In addition to the need for frequent medical supervision and continuous skilled nursing observations, other important components of skilled nursing facilities are: A restorative approach to all aspects of the resident care program so that services are directed to maintaining or restoring the highest level of functioning.

Complete or nearly complete assistance for most physical or hygienic activities. (Some ambulatory residents can require nearly complete assistance.)

Relatively complex and frequently time-consuming medications and/or treatments.

Occasional or limited special tests.

Frequent and sometimes continuous emotional support in connection with moderately severe or periodic emotional disturbances as guided by a care plan that reflects meaningful follow-through on consultant recommendations.

Necessary teaching and continuous supervision as a part of restorative care and in preparation for discharge or transfer.

Illustrative Services for:

INTERMEDIATE CARE FACILITIES:

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The following services are illustrative of the level or intensity of nursing care provided in an intermediate care facility:

Proper positioning of residents in bed, wheelchair, or other accommodation.

Bed baths.

Prevention and treatment of skin irritation and decubiti.

Observation of vital signs and detailed recording of findings in resident's record.

Assistance and training in self care as required for feeding, grooming, ambulation, toilet activities, and other activities of daily living.

Assistance and training in resident transfer techniques.

Range of motion exercises as part of the routine maintenance and restorative nursing care.

Assisting residents to participate in prescribed individual and group activities.

Administration of topical, oral, and selected injectable medications.

Administration of oxygen on an emergency or short-term as required basis.

Administration of prescribed treatments such as catheterizations, irrigations and application of dressings and bandages.

Routine care of residents with temporary casts, braces, splints, or other appliances requiring nursing care or supervision.

Use of protective restraints, bed rails, binders, and supports as ordered by a physician, and in accordance with written resident care policies and procedures.

Arrangements for obtaining clinical laboratory, x-ray, and other diagnostic services.

Illustrative Services for SKILLED-NURSING-FACILITIES:

The following are illustrative services which are characteristic of the level of intensity of care provided in skilled nursing facilities:

Administration of potent and dangerous injectable medications and intravenous medications and solutions on a regular and continuing basis.

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Restorative nursing procedures such as gait training and bowel and bladder training for residents who have restorative potential and can benefit from the training.

Nasopharyngeal aspiration required for the maintenance of a clear airway.

Maintenance of tracheotomy, gastrostomy, and tubes indwelling in body cavities. The mere indwelling does not justify a need for skilled nursing care. On the other hand, the insertion and maintenance of a urethral catheter as an adjunct to the active treatment of disease of the urinary tract may justify a need for skilled nursing care. In such instances, the urethral catheter may be ordered by a physician and the need documented and justified in the resident's record. Colostomy may require skilled nursing care during early postoperative period or when complications are present.

Administration of tube feeding.

Administration of oxygen or other medical gases on a regular or continuing basis in the presence of an unstable medical condition.

Assisting residents to participate in prescribed individual and group activities.

Other specified and individually justified services including skilled nursing observation of unstable medical conditions required on a regular and continuing basis, which can only be provided by or under the supervision of trained medical and licensed professional nursing personnel. The need for these services must be documented and justified in the resident's record.

Providing physical care and spiritual and emotional support to the resident and his family in the terminal phases of illness.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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Section 300. APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights (Repealed)

SKILLED-NURSING-FACILITIES

Federal Register, Volume 39, No. 103, Part II, Thursday, October 3, 1974.

Paragraph 405.1121-Conditions of Participation---Governing Body and Management

(k) Standard---Patients' rights---The governing body of the facility establishes written policies regarding the rights and responsibilities of patients and through the administrator is responsible for development of, and adherence to, procedures implementing such policies. These policies and procedures are made available to patients to any guardian, next of kin, sponsoring agency(ies), or representative payee selected pursuant to section 205.13 of the Social Security Act, and Subpart B of Part 404 of this chapter, and to the public. The staff of the facility is trained and involved in the implementation of these policies and procedures. These patients' rights policies and procedures ensure that, at least, each patient admitted to the facility:

- (1) is fully informed, as evidenced by the patients' written acknowledgment prior to or at the time of admission, and during stay, of these rights and of all rules and regulations governing patient conduct and responsibilities;
- (2) is fully informed prior to or at the time of admission, and during stay, of services available in the facility, and of related charges including any charges for services not covered under titles XVIII of XIX of the Social Security Act, or not covered by the facility's basic per diem rate;
- (3) is fully informed by a physician of his medical condition unless medically contraindicated (as documented by a physician in his medical report), and is afforded the opportunity to participate in the planning of his medical treatment and to refuse to participate in experimental research;
- (4) is transferred or discharged only for medical reasons, or his welfare or that of other patients, or for nonpayment for his stay (except as prohibited by titles XVIII or XIX of the Social Security Act), and is given reasonable advance notice to ensure orderly transfer or discharge, and such actions are documented in his medical record;
- (5) is encouraged and assisted throughout his period of stay, to exercise his rights as a patient and as a citizen, and to this

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and may voice grievances and recommend changes in policies and services to facility staff and/or to outside representatives of his choice, free from restraint, interference, coercion, discrimination or reprisal;

(f) May manage his personnel financial affairs, or is given at least quarterly accounting of financial transactions made on his behalf should the facility accept his written delegation of this responsibility to the facility for any period of time in conformance with State law;

(7) Is free from mental and physical abuse and free from chemical and (except in emergencies) physical restraints except as authorized in writing by a physician for a specified and limited period of time or when necessary to protect the patients from injury to himself or to others;

(9) Is assured confidential treatment of his personal and medical records and may approve or refuse their release to any individual outside the facility except in case of his transfer to another health care institution or as required by law or third party payment contract;

(9) Is treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs;

(10) Is not required to perform services for the facility that are not included for therapeutic purposes in his plan of care;

(11) May associate and communicate privately with persons of his choice, and send and receive his personal mail unopened, unless medically contraindicated (as documented by his physician in his medical record);

(12) May meet with, and participate in activities of, society, religious, and community groups at his discretion, unless medically contraindicated (as documented by his physician in his medical record);

(13) May retain and use his personal clothing and possessions as space permits, unless to do so would infringe upon rights of other patients, and unless medically contraindicated (as documented by his physician in his medical record); and

(14) If married, is assured privacy for visits by his/her spouse, if both are inpatients in the facility, they are permitted to share a room, unless medically contraindicated (as documented by the

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attending physician in the medical record;

All rights and responsibilities specified in paragraph (k)(1) through (14) of this Section as they pertain to (a) a patient adjudicated incompetent in accordance with State law; (b) a patient who is found by his physician to be medically incapable of understanding these rights; or (c) a patient who exhibits a communication barrier--devoid of--to--such--patient's--guardian--next--of--kin--sponsoring agency(ies) or representative--payee (except when the facility itself is representative--payee)--solicited pursuant to section 205(j) of the Social Security Act and Subpart Q of Part 404 of this chapter.

INTERMEDIATE-CARE-FACILITIES

Federal Register, Volume 40, No. 43, Tuesday, March 4, 1975; Paragraph--249.12; Standards for Intermediate-Care Facilities

(a)(1)-----

(1) Where are written policies and procedures available to staff residents and the public which:

(b) Ensure that each resident admitted to the facility:

(1) Is fully informed of his rights and responsibilities as a resident of all rules and regulations governing resident conduct and responsibilities--Such information must be provided prior to or at the time of admission or in the care of residents already in the facility--upon the facility's adoption or amendment of patient right policies and its receipt must be acknowledged by the resident in writing;

(2) Is fully informed prior to or at the time of admission and during stay of services available in the facility and of related charges including any charges for services not covered under the State XIX program or not covered by the facility's basic per diem rate;

(3) Is fully informed by his physician of his health and medical condition unless medically contraindicated--as documented by the physician--in--his--resident record--and is afforded the opportunity to participate in the planning of his health care and medical treatment and to refuse to participate in experimental research;

(4) Is transferred or discharged only for medical reasons or for his welfare or that of other patients or for nonpayment for his stay (except as prohibited by the State XIX program);

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(5) Is encouraged and assisted throughout his period of stay to exercise his rights as a resident and as a citizen and to this end may voice grievances and recommend changes in policies and services to facility staff and/or to outside representatives of his choice free from restraint, interference, coercion, discrimination or reprisal;

(6) May manage his personal financial affairs and to the extent that the facility assists in such management that it is carried out in accordance with paragraph (a)(1)(iii) of this section (see below for (a)(1)(iii));

(7) Is free from mental and physical abuse and free from chemical and (except when necessary to protect the resident from injury to himself or others) physical restraints except as authorized in writing by a physician for a specified period of time or in the case of a mentally retarded individual when authorized in writing by a physician or Qualified Medical Retardation Professional for use during behavior modification sessions;

(8) In the case of a mentally retarded individual, participate in a behavior modification program only with the consent of his parent or guardian;

(9) Is ensured confidential treatment of his personal health and medical records and may approve or refuse their release to any individual outside the facility except in case of his transfer to another health care institution or as authorized by Federal or State law;

(10) Is treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs;

(11) Is not required to perform services for the facility that are not included for therapeutic purposes and documented in his plan of care;

(12) May associate and communicate privately with persons of his choice and send and receive his personal mail unopened;

(13) May meet with and participate in activities of social, religious, and community groups at his discretion unless medically contraindicated (as documented by his physician in his resident record);

(14) May retain and use his personal clothing and possessions as specified in the permit and

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{t5} If--married--is--ensured--privacy--for--visits--by--his/her--spouse--if both--are--residents--in--the--facility--they--are--permitted--to--share--a room--unless--medical--contraindicated--(as--documented--by--the attending--physician--in--the--resident--record)--

{e} Provide--that--all--rights--and--responsibilities--in--paragraph {t1}{t2}{t3}{t4}{t5} through {t4} devolve--to--the--resident's--guardian--next of--kin--or--sponsoring--agency--if--they--where:

{t1} a--resident--is--adjudicated--incompetent--in--accordance--with--State law--or

{t2} his--physician--has--made--a--documented--finding--that--because--of mental--impairment--the--resident--is--incapable--of--understanding these--rights--

*{t1}{t2}{t3}---A--written--account--available--to--residents--and--their--families--is--maintained--on--a--current--basis--for--each--resident--with--written--receipts--for all--personal--possessions--and--funds--received--by--or--deposited--with--the--facility and--for--all--disbursements--made--to--or--on--behalf--of--the--resident--

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Regulations under the Illinois Business Brokers Act of 1995

2) Code Citation: 14 Ill. Adm. Code 140

<u>Section Numbers:</u>	<u>Proposed Action:</u>
140.50	Repeal
140.51	Amend
140.200	Amend
140.300	Amend
140.304	Repeal
140.750	Amend
140.800	Repeal
140.802	Repeal
140.803	Amend
140.804	Repeal
140.805	Repeal
140.806	Repeal
140.807	Repeal
140.808	Repeal
140.810	New
140.1150	New
140.1152	New
140.2110	Amend
140.2130	Amend

4) Statutory Authority: 815 ILCS 307

5) A Complete Description of the Subjects and Issues Involved:

- Section 140.50 - Repealed because information implemented into the Act.
- Section 140.51 - Amended to delete terms implemented into the Act.
- Section 140.200 - Amended to correct the name of the renewal application.
- Section 140.300 - Amended to delete referenced to a Rule that was implemented into the Act and to add the statute cite.
- Section 140.304 - Repealed because information implemented into the Act.
- Section 140.750 - Amended to delete terms implemented into the Act.
- Section 140.800 - Repealed because information implemented into the Act.
- Section 140.802 - Repealed because information implemented into the Act.
- Section 140.803 - Amended to delete information implemented into the Act.

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- Section 140.804 - Repealed because information implemented into the Act.
- Section 140.805 - Repealed because information implemented into the Act.
- Section 140.806 - Repealed because information implemented into the Act.
- Section 140.807 - Repealed because information implemented into the Act.
- Section 140.808 - Repealed because information implemented into the Act.
- Section 140.810 - Added to exempt loan brokers from the Business Broker Act, if the loan broker is helping to sell the business in the course of getting the client a loan.
- Section 140.1150 - Added to establish the procedure for filing a Notice of Lien.
- Section 140.1152 - Added to establish the procedure for terminating a Notice of Lien prior to the two year termination.
- Section 140.2110 - Amended to add fees that correspond to Section 10-115 of the Act.
- Section 140.2130 - Amended to provide that the date of the filing of a document is the date of delivery and payment of any fees due to the Department.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: To implement the provisions of the Illinois Business Brokers Act of 1995, as amended.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Lynda Olson
 Illinois Securities Department
 Lincoln Tower, Suite 200
 520 South Second Street
 Springfield, IL 62701
 (217)785-4932

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All comments must be in writing.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Some of the applicants may be small businesses which offer business brokering to the public.
- B) Reporting, bookkeeping or other procedures required for compliance: Unless exempt would have to register; disclosure statement required by Statute; required to maintain files mandated by Statute.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 140

REGULATIONS UNDER THE ILLINOIS BUSINESS BROKERS ACT OF 1995

SUBPART A: DEFINITIONS

Section

140.50

Scope of the Law (Repealed)

140.51

Definitions of Terms Used in the Act and the Rules

SUBPART B: REGISTRATION OF BUSINESS BROKERS

Section

140.100

Procedures for Registration as a Business Broker Under Section 10-10 of the Act

140.120

Procedures for Withdrawal of Pending Application or Termination of Registration as a Business Broker

140.130

Procedure with Respect to Abandoning Incomplete Applications for Registration as a Business Broker

140.200

Procedures for Renewal of Registration as a Business Broker Under Section 10-20 of the Act

140.300

When Disclosure Statement Must Be Provided

140.301

Purpose of Disclosure; Substantial Compliance

140.302

Contents of Disclosure Statement

140.303

Providing the Contract With the Disclosure Statement

140.304

Providing the Contract to Client (Repealed)

SUBPART C: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section

140.400

Hearings

SUBPART D: RECORDS

Section

140.750

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140.2100

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140.2145 Number of Copies--Signatures
140.2190 Provisions for Granting of Variance from Rules

AUTHORITY: Implementing and authorized by the Illinois Business Brokers Act of 1995 [815 ILCS 307].

SOURCE: Adopted by emergency rulemaking at 20 Ill. Reg. 603, effective January 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 7984, effective May 30, 1996; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 140.50 Scope of the Law (Repealed)

~~The--Illinois--Business--Broker--Act--of--1995--(815--ILCS--307)--shall--apply--only--when--the--person--engaged--or--sought--to--be--engaged--by--the--business--broker--is--domestic--in--this--State--or--when--the--company--or--business--sought--to--be--sold--has--its--principal--place--of--business--in--this--State.~~

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 140.51 Definitions of Terms Used in the Act and the Rules

a) As used in the Act and this Part, unless the context otherwise requires, the term:

"Act or Law" means the Illinois Business Brokers Act of 1995 [815 ILCS 307].

"Advertising" means any circular, disclosure statement, advertisement, or other material or any communication by radio, television, pictures or the transmittal or sending or of any communication via the non-profit, nonprofit, public computer network (commonly known as the "Internet") or similar means.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Applicant" means the person making application for registration.

"Branch Office":

Branch office means any office, residence or other place or location in this State where the business of a registered

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business broker is conducted and which is owned or controlled by, or operated directly, or indirectly for the benefit of, the registered business broker and where the business of the business broker is conducted by a principal, agent or employee for such registered business broker.

The principal office located in this State of the registered business broker shall not be considered a branch office.

Except as otherwise provided in this Section, each office, residence or other place or location where business is being conducted in this State on behalf of a registered business broker shall be considered a branch office for the registered business broker.

~~"Business--Broker"--is--any--person--who--engages--in--any--of--the--actions--specified--in--Section--140--510--of--the--Act--for--a--fee--or--commission--or--other--compensation--including--a--person--who--promises--to--procure--a--buyer--for--a--business--or--who--assists--any--business--in--procuring--a--buyer--but--does--not--include--a--person--who--is--selling--a--business--owned--or--operated--by--that--person--in--a--one--time--transaction--and--does--not--include--individuals--engaged--in--business--brokering--on--behalf--of--a--registered--business--broker--provided--that--such--non--registered--individuals--have--been--identified--in--the--registration--application--of--the--registered--business--broker."~~

~~"Client"--means--any--person--who--has--signed--a--business--broker--agreement--or--contract--which--provides--for--such--person--to--be--represented--by--the--business--broker--and--obligating--that--person--to--compensate--the--business--broker--under--some--circumstances."~~

"Date of Filing" means the date that all of the required documents are received by the Securities Department and all the required fees are paid to the Secretary of State. A document shall not be deemed to be filed if any material information required by the Act or this Part is omitted or the document is illegible.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Dominant Element of a Transaction" as used in Section 10-5.15 and Section 10-604, means any transaction in which (1) 50% or more of the purchase price or 50% or more of the net asset value of the business being sold is real estate; or (2) real estate is an integral part of the business being sold. The percentage of the transaction made up of the purchase price or

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net asset value of the real estate shall be based upon the reasonable expectation of the person potentially acting as a business broker and the client at the time the brokerage contract or agreement for services is entered into; or (3) real estate is the single largest part of the transaction.

"Employee" does not include a director, trustee or officer.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder as in effect on January 1, 1996.

"General Ledger" means any permanently documented accounting system which contains all of the accounts of a business broker indicating all payments and income received from clients and proposed clients kept and made in the ordinary and reasonable course of business. For example, the term includes, but is not limited to, a check register used in the ordinary course of business, and computer accounting program which maintains records in an electronic format.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Insolvency" means the rendering of a business broker financially unable to perform any contractual obligations of its business brokering duties.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable person would consider important.

"Offer or Offer to Sell" includes every attempt to dispose of a business for value or solicitation of an offer to purchase a business.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

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"Ongoing Business" means an existing business that, for at least six months prior to the offer, has been operated from a specific, but not necessarily the same, location, has been open for business to the general public and has substantially all of the equipment and supplies necessary to operate the business.

"Principal" means any officer, director, partner, member, trustee, or manager who is responsible for the supervision and management of the daily business operations in this State of a business broker required to be registered under the Act.

"Proposed Client" means any person who has executed a disclosure statement which he or she received from a business broker and returned or caused to be returned to the business broker.

"Purchaser" means a person who enters into a contract or agreement for the acquisition of a business or a person to whom an offer to sell a business is directed.

"Real Estate" means and includes leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or non-freehold, and whether the real estate is situated in Illinois or elsewhere.

"Rules" refers to all rules adopted by the Secretary of State pursuant to the Act.

"Sale or Sell" means every contract or agreement of sale, contract to sell, or the disposition of a business or interest in a business for value.

"Secretary of State" means the Securities Department of the Office of the Illinois Secretary of State or the Secretary of State or the Securities Director, or his or her designee, as the case may be.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

"Seller" means a person who sells or offers to sell a business or any agent or person who directly or indirectly acts on behalf of such person, except that a person acting as a business broker is neither a seller nor buyer.

b) A Section of this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the

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meanings given them in the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 140.200 Procedures for Renewal of Registration as a Business Broker Under Section 10-20 of the Act

- a) If a registered business broker wishes to renew its registration, it shall file with the Securities Department the preprinted a-completed and-current Illinois Form BB04 BB04 together with the renewal application filing and fee examination fee and branch office fee, if any, as specified in Section 140.2110 of this Part.
- b) Any amendment(s) shall also be filed with the Securities Department within ten business days if any material change occurs in the information that was filed with the Securities Department when the business broker applied for registration.
- c) Any application for renewal of registration of a business broker filed with or fees paid to the Securities Department within 29 days or less prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 140.2110 of this Part.
- d) Upon receipt of the renewal fees the Securities Department shall issue to the business broker proof of renewal as evidence of such registration.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 140.300 When Disclosure Statement Must Be Provided

- a) Except as provided in Section 10-30.5 of the Act Section-140-803-of this-Part, a business broker shall provide a disclosure statement, pursuant to Section 10-30 of the Act, which shall be consistent in all material respects with this Section, to any client or proposed client at least seven days before the earlier of:
 - 1) The time such client or proposed client signs a contract for the services of the business broker; or
 - 2) The time the business broker receives any consideration for the contract.
- b) As used in this Part and in the Act, the term "client" does not include a person who is under no obligation to compensate the business broker under any circumstances.
- c) The Secretary of State recommends that business brokers have each client and proposed client sign and date an acknowledgment of receipt when the disclosure statement is provided to clients and proposed clients.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 140.304 Providing the Contract to Client (Repealed)

~~When the client shall have the right to retain a copy of the executed contract for the services of a business broker, the client's copy of the contract shall be provided to the client when the contract is executed, if feasible, and the client so requests. Otherwise, the contract shall be mailed or otherwise sent to the client within one week after the execution thereof. No account number is required on the client's copy of the contract.~~

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

SUBPART D: RECORDS

Section 140.750 Records Required of Business Brokers

- a) Each business broker agreement or contract shall be given a unique identifying account number and all instruments or documents relating to that agreement or contract must bear this number. Every business broker registered by the Secretary of State shall keep and maintain for a period of six years from the date of its agreement or contract with the client in the business broker's principal office in this State the following records:

- 1) A business broker agreement or contract register that consists of a chronological listing of all business broker agreements or contracts that have been entered into. For each business broker agreement or contract the register shall contain the following:
 - A) The account number;
 - B) The date of the agreement or contract;
 - C) The name of the client or proposed client;
 - D) The amount of fees charged, if any; and
 - E) The cost and type of insurance required, if any.
- 2) A file for each client or proposed client shall contain the following:
 - A) The name, address and telephone number of the client or proposed client;
 - B) A copy of the signed business broker agreement or contract;
 - C) A copy of any other papers or instruments used in connection with the business broker agreement or contract that are signed by the client or proposed client, including a copy of the disclosure document required by Section 10-30 of the Act that contains an acknowledged receipt by the client or proposed client; and
 - D) The amount of the business broker's fee that the client has paid; and, if there is an unpaid balance, the status of any

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collection efforts.

No file need be kept for a buyer client or proposed buyer client where no fee, expense reimbursement, retainer or other charge was incurred and no transaction was consummated.

- 3) All receipts from or for the account of clients or proposed clients and all disbursements to or for the account of clients or proposed clients, recorded so that the transactions are readily identifiable.

- 4) A general ledger that shall be posted at least monthly, and a trial balance sheet and profit and loss statement prepared within 30 days after the Secretary of State's request for information.

4)5) A copy of the following:

- A) All advertisements, pamphlets, circulars, letters, articles or communications published in any newspaper, magazine, periodical or the transmittal or or sending of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") which discuss the business broker;

- B) Scripts of any recording or radio or television announcement which discuss the business broker; and

- C) Any sales kit or literature used or to be used in solicitation of clients.

- b) Every registered business broker shall preserve during the life of its business organization and of any successor thereto all partnership agreements, certificates or articles and amendments thereto or, in the case of a corporation, all certificates and articles of incorporation or charter or amendments thereto, minute books and stock certificate books.

- e) After a record or other documents have been preserved for two years, an accurate copy on any form of information retrieval device may be substituted therefor for the balance of the required time.

- c) Every business broker registered by the Secretary of State shall maintain within this State, in an easily accessible place, all records required by this Section or the Act. All records required to be maintained under this Section or the Act must be separate or readily identifiable from the records of any other business that is conducted in the office of the business broker. A written request for a waiver of the provisions of this Section may be made to the Secretary of State to permit any registered business broker to maintain any of the records required by this Section or the Act outside the State of Illinois. In determining whether the provisions of this Section should be waived, the Secretary of State shall consider, without limitation, whether the main office of the business broker is outside the State of Illinois or whether the business broker uses all or some of the bookkeeping facilities of some other business broker whose main office is outside the State of Illinois.

- d) For the purpose of this Section, if advertisements are made through the use of the United States mail or similar means of delivery, or

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broadcast over radio or television or similar means of broadcast, or transmitted or sent via the Internet then only one representative copy of the advertisement is required to be maintained by the business broker, together with the dates of printing, broadcast or transmission (if known) and the names and addresses of the recipients.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: EXEMPTIONS

Section 140.800 Previous and Ongoing Agreements or Contracts and Transactions Not Affected (Repealed)

All business broker agreements or contracts and transactions between a business broker and its clients or proposed clients which do not comply with the Act or this Part, if entered into prior to January 17, 1996, shall be deemed to be valid and enforceable, notwithstanding this Part or the Act.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 140.802 Exemption for Franchises (Repealed)

Persons registered pursuant to the Illinois Franchise Disclosure Act of 1997 (15 ILCS 795) and their employees are exempt from the requirements of the Act as to offers and sales in connection with such franchising activities or assisting any of their franchisees in the offer or sale of a franchise by any such franchisee for its own account regardless of whether the sale is effected by or through such registered persons.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 140.803 Exemptions from Waiting Period and Disclosure Requirements Pursuant to Section 10-30 of the Act

- a) The requirements that a business broker provide a written disclosure statement and wait at least seven days before the client executes a contract with the business broker or before the business broker receives any consideration for the contract shall not apply if:
- 1) the client to be represented by the business broker is or has had:

- A) A natural person who has or is reasonably believed by the business broker to be relying upon this Section to have a net worth or joint net worth with that person's spouse in excess of \$1,000,000 at the time of the execution of the business broker agreement or contract; or

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- B) A natural person who has, or is reasonably believed by, the business broker relying upon this Section to have, an income or joint income with that person's spouse in excess of \$200,000 in the most recent fiscal year; or
- C) A company, business or other non-natural person that has, or is reasonably believed by the business broker, relying upon this Section to have, a total asset value in excess of \$1,000,000 and has been in existence for at least nine months and was not formed for the purposes of this subject transaction; or
- B) A company, or business or other non-natural person that has, or is reasonably believed by the business broker, relying upon this Section to have, gross revenues or gross sales in excess of \$200,000 in the most recent fiscal year and has been in existence for at least nine months and was not formed for the purposes of the subject transaction; or
- B) A company, business or other non-natural person in which at least 90% of the equity interest is owned, or is reasonably believed by the business broker, relying upon this Section to be owned, by persons who meet any of the tests set forth in subsection (a)(1)(A)-(B), (C) or (D) of this Section.
- 2) An attorney reviews the business broker's contract for the client or proposed client.
- b) A business broker shall be entitled to rely upon a statement executed by the client or proposed client that:
- a) the client is in one of the categories enumerated in Section 10-30.5(a)(1) through (5) of the Act subsections (a)(1)(A) through (B) or subsection (a)(2) of this Section. Illinois Form BB02 may be utilized by the business broker for this purpose; or
- b) the client had an attorney review the business broker's contract with the client. Illinois Form BB03 may be utilized by the business broker for this purpose.
- c) The contract provides that the client or proposed client shall be entitled to cancel the contract and receive a refund of any consideration paid for seven days immediately following execution of the contract; the disclosure statement must still be provided to the client or proposed client unless the client or proposed client meets one of the categories enumerated in subsections (a)(1)(A) through (B) or subsection (a)(2) of this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 140.804 Exemption for Attorneys (Repealed)

Section 10-00(a)(1) of the Act only applies to an attorney who is licensed to practice in Illinois while engaged in the practice of law and whose service in relation to the business broker transaction is incidental to his or her

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Practitioner

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 140.805 Exemption for Certified Public Accountants (Repealed)

Any certified public accountant licensed to practice in Illinois, while engaged in the practice as a certified public accountant and whose service in relation to the business broker transaction is incidental to his or her practice, is exempt from the requirements of the Act.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 140.806 Other Persons Exempt from the Act and This Part (Repealed)

The following persons are exempt from the requirements of the Act and of this Part:

- a) Any person who is selling a business owned or operated (in whole or in part) by that person in a one-time transaction;
- b) Any person licensed to engage in business as a real estate broker or salesperson in Illinois while rendering services in the ordinary course of a transaction in which a license as a real estate broker or salesperson is required, provided that:
- 1) real estate is the dominant element as defined in Section 140.51 of this Part of the transaction; or
- 2) such person reasonably believed that real estate would be the dominant element, as defined in Section 140.51 of this Part, of the transaction at the time such person was engaged by the client;
- c) Such persons enumerated in Section 10-00(a)(3) of the Act, provided that they are not in the business of business brokering; and
- d) Any financial institutions listed in Section 10-00(b) of the Act.
- (Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 140.807 Transactions Exempt from the Act and This Part (Repealed)

The following transactions are exempt from the provisions of the Act and this Part:

- a) Any sale or purchase of a business (or any interest therein) where the transaction is a securities transaction involving securities subject to the Illinois Securities Law of 1953 (1953-5); or
- b) Any sale or purchase of a business (or any interest therein) where the sale or exchange of real estate is the dominant element, as defined in Section 140.51 of this Part, of the transaction.

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(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 140.808 Exemption for Real Estate Brokers and Real Estate Salespersons -- Services Incidental to a Real Estate Brokerage Agreement (Repealed)

~~Any--real-estate-broker--or--real-estate--salesperson--who--has--entered--into--a Brokerage--Agreement--or--contract--as--defined--in--the--Illinois--Real-Estate-License Act--425--1BES--4537--and--whose--service--in--relation--to--the--business--broker transaction--is--incidental--to--the--performance--of--the--Brokerage--Agreement--is exempt--from--the--requirements--of--the--Act.~~

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 140.810 Exemption for Loan Broker Agreements or Contracts from the Business Brokers Act of 1995

A loan broker agreement or contract, made pursuant to and in compliance with the Illinois Loan Brokers Act of 1995 [915 ILCS 175] between a client and a registered loan broker, which contains a promise by, or obligation of, a loan broker to procure or assist in procuring a loan for business financing or the purchase of a business for the client, is exempt from this Act.

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART G: PROCEDURES FOR BUSINESS BROKER LIENS EVIDENTIARY-MATTERS-AND NON-BINDING-STATEMENTS

Section 140.1150 Procedures for Filing a Notice of Lien or Amendment to a Notice of Lien Under Section 10-115 of the Act

a) A business broker who is filing a notice of lien must file Form BB115.1 Notice of Lien, with the Illinois Securities Department, together with the filing fee, as specified in Section 140.2110 of this Part. The form must contain the following information:

- 1) Name of business broker and business broker file number;
- 2) Name of purchaser;
- 3) Name of seller;
- 4) Name of business;
- 5) Description of business; and
- 6) Total dollar amount claimed.

b) The form shall be signed by the business broker or a person authorized to sign on behalf of the business broker, and verified as to the truth and accuracy of information contained in the notice.

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c) A business broker may file an amendment to an existing Notice of Lien by filing Form BB115, together with the Amendment to Notice of Lien fee in the amount specified in Section 140.2110 of this Part.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 140.1152 Procedures to Terminate a Notice of Lien Prior to the Two Year Expiration

a) A business broker may terminate a Notice of Lien filed with the Securities Department prior to the two year termination by filing Form BB115-1, Release of Lien with the Illinois Securities Department within ten business days after the occurrence. If the form is received more than ten business days from the date after the occurrence a late fee in the amount specified in Section 140.2110 of this Part is required. This form must contain the following information:

- 1) Name of business broker and business broker file number;
- 2) Name of purchaser;
- 3) Name of seller;
- 4) Name of business;
- 5) Date Notice of Lien was filed with the Illinois Securities Department; and
- 6) Reason for release and date of such occurrence.

b) The form shall be signed by the business broker or a person authorized to sign on the behalf of the business broker, and verified to the truth and accuracy of information contained in the release.

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART H: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section 140.1200 Request for Non-Binding Statements

a) Required Information and Format.

1) All requests for non-binding statements shall be in writing and be accompanied by the fee set forth in Section 140.2110 of this Part. The request shall be filed with the Securities Department and shall contain the following:

- A) A brief summary of the Sections of the Act and of the Rules to which the request pertains;
- B) A detailed factual representation concerning every relevant aspect of the proposed transaction, such as the names of affected parties, details regarding the transactions, each claim of exemption, if any, and reasoning in support of each such claim. Requests should be limited to the particular

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situation, and should not attempt to include every possible type of situation which may arise in the future;

- C) A discussion of current statutes, rules and legal principles relevant to the facts set forth;
 - D) A statement setting forth the person's own opinion in the matter and the basis for such opinion; and
 - E) A representation that the transaction in question has not been commenced and will not commence for at least 30 days.
- 2) The Securities Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act or the Rules.
 - 3) The Securities Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.
 - 4) The Securities Department will not respond to requests based upon hypothetical facts or involving unnamed parties.
- b) Review procedure. After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Securities Department may issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement stating that it will recommend that no enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented may require different conclusions and persons other than those requesting the statement should not rely on the statement.
 - c) Availability of non-binding statements issued by the Department.
 - 1) The Securities Department will maintain a chronological index by statutory Section(s) involving all non-binding statements issued.
 - 2) Copies of such statements may be reviewed in the Securities Department's Springfield or Chicago office and copies thereof may be obtained upon payment of the cost of duplication as set forth in Section 140.2110 of this Part.

SUBPART ISUBPART-H: PUBLIC INFORMATION**Section 140.1400 Inspection of Business Broker Records**

- a) Records of all registered business brokers are available for public inspection during the business hours at the Springfield or Chicago office of the Securities Department of the Secretary of State upon written request.
- b) Each request for information on file with the Securities Department regarding a registered business broker shall be made in writing and delivered to the Springfield or Chicago office of the Securities Department of the Secretary of State. The request may be delivered by United States mail, private courier, hand, facsimile or electronic transmission or any similar type of delivery or transmission.
- c) The request shall include the name, address and telephone number of

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the person making the request, and a statement setting forth the reason that the person is initiating the request. The Secretary of State or his or her designee shall maintain for six calendar years each written request for disclosure of information.

- d) The Securities Department shall notify each registered business broker in writing within seven calendar days after its receipt of a request for disclosure of information on file.
- e) No information on file with the Securities Department regarding any social security number, contract with a client or any terms of a contract, the name or address of any contracting client or the address or telephone number of any office of the business broker (except the principal office) shall be made available to the public.

SUBPART JSUBPART-I: RULES OF GENERAL APPLICATION**Section 140.2110 Payment of Fees**

- a) Fees under the Act are as follows:

Section 10-10 Filing, Examination and Registration Fee	\$200 (plus \$50 for each person who is engaged in business brokering on behalf of the business brokerage firm in excess of two)
Branch Office Fee	\$20 (if in excess of 2 branch offices in this State)

Section 10-20
Renewal Filing and Examination
Fee

\$200 (plus \$50 for
each person
who is
engaged in
business
brokering on
behalf of
the
business
brokerage

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firm in
excess of
two)

Renewal Branch Office Fee

\$20 (if in excess
of 2 branch
offices in
this State)

Renewal Late Fee

\$100 (if the
renewal
application
is filed
within 29
days
preceding the
expiration of
the current
registration)

Business Broker Fee to report
a change in its form of
organization or change of
its name

\$20

Service of Process (when served
upon the Secretary)

\$10

Section 10-50
Certificate

\$10

Certified Copy of Document
Each Page Certified

\$10 plus
\$.50

Section 10-115
Notice of Lien
Amendment to Notice of Lien
Late Notice of Release

\$50
\$25
\$25

\$25 (if filed more
than ten business
days from the
occurrence)

Non-Binding Statement

\$75

Duplication of Documents
Each Page Duplicated

\$.50

Additional fee for payment
of fee returned to the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Securities Department
due to insufficient funds
or for a similar reason

\$50

- b) All payments of fees, except for payment of administrative fines under the Act, as set forth below, shall be made by check, money order, certified check, bank cashier's check, or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State shall be accepted as payment of any fee. All payments for administrative fines, in excess of \$500, under the Act, except for a person registered under Section 10-10 or 10-20 of the Act, shall be made by money order, certified check or bank cashier's check.
- c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary of State the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.
- d) The Secretary of State shall require any person to make payment of fees in the form of a money order, certified check, or bank cashier's check if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.
- e) All payment of fees under the Act shall be deemed to be filed and the fees paid upon receipt by the Securities Department, provided that the fee paid is not less or more than five dollars of the amount due.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 140.2130 Date of Filing

- a) The date of filing of any document required to be filed with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 140.2120 of this Part, or if a document or fee is sent by United States registered mail, certified mail, or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the document or fee was mailed on the date shown on the record.
- b) A document may not be deemed to be filed with the Secretary of State unless all requirements of the Act and this Part with respect to such filing have been complied with and the required fee has been paid.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Adopted Action:
113.40 Amendment
113.50 Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].
- 5) Effective Date of Amendments: July 15, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 30, 1998 (22 Ill. Reg. 2513)
- 10) Has JCAR Issued a Statement of Objections to this Rule? No

- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Section 113.40(c)(2), "SSI and/or SSA" was changed to "SSI and/or OASDI" and the strike through was deleted from the final period.
2. In Section 113.50(c)(2), "SSI and/or SSA" was changed to "SSI and/or OASDI".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part: Yes

Section Numbers Proposed Action Illinois Register Citation

113.157 Amendment 22 Ill. Reg. 11266

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 113.158 New Section 22 Ill. Reg. 11266
113.320 Amendment 22 Ill. Reg. 10961

- 15) Summary and Purpose of Rule(s): The purpose of this rulemaking is to clarify the provisions for continuing or reinstating AABD cash assistance to clients who, while receiving AABD assistance, are found "not blind" or "not disabled" by the Social Security Administration (SSA) and appeal that decisions to SSA.

As a result of these amendments, if the individual appeals the SSA determination of blindness or disability to SSA, assistance will be continued or reinstated through the level of a determination by an Administrative Law Judge only if the individual continues to receive SSA and/or OASDI.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Mrs. Susan Warrner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1
113.5

Description of the Assistance Program
Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9
113.10
113.10
113.20
113.30
113.40
113.50
113.60
113.70
113.80

Client Cooperation
Citizenship
Residence
Age
Blind
Disabled
Living Arrangement
Institutional Status
Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100
113.101
113.102

Unearned Income
Budgeting Unearned Income
Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision

113.103
113.104
113.105
113.106

Initial Receipt of Unearned Income
Termination of Unearned Income
Unearned Income In-Kind
Earmarked Income

113.107
113.108
113.109

Lump Sum Payments and Income Tax Refunds
Protected Income (Repealed)
Earned Income (Repealed)

113.110
113.111
113.112
113.113

Budgeting Earned Income (Repealed)
Protected Income
Earned Income
Exempt Unearned Income

113.114
113.115

Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
Initial Employment

DEPARTMENT OF HUMAN SERVICES

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113.116
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113.118

Budgeting Earned Income For Contractual Employees
Budgeting Earned Income For Non-contractual School Employees
Termination of Employment

113.120
113.125
113.130
113.131

Exempt Earned Income
Recognized Employment Expenses
Income From Work/Study/Training Programs
Earned Income From Self-Employment

113.132
113.133
113.134

Earned Income From Roomer and Boarder
Earned Income From Rental Property
Earned Income In-Kind

113.139
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113.141
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Payments from the Illinois Department of Children and Family Services
Assets
Exempt Assets
Asset Disregard

113.143
113.154

Deferral of Consideration of Assets
Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)

113.155

Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)

113.156
113.157
113.160

Court Ordered Child Support Payments of Parent/Step-Parent
Sponsors of Aliens
Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245
113.246
113.247
113.248

Payment Levels for AABD
Personal Allowance
Personal Allowance Amounts
Shelter

113.249
113.250
113.251
113.252

Utilities and Heating Fuel
Laundry
Telephone
Transportation, Lunches, Special Fees

113.253
113.254
113.255
113.256

Allowances for Increase in SSI Benefits
Nursing Care or Personal Care in Home Not Subject to Licensing
Sheltered Care in a Licensed Group Care Facility
Shopping Allowance

113.257
113.258
113.259
113.260

Special Allowances for Blind and Partially Sighted (Blind Only)
Home Delivered Meals
AABD Fuel and Utility Allowances By Area
Sheltered Care Rates

113.261

Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

113.262

Meeting the Needs of an Ineligible Dependent with Client's Income

SUBPART E: OTHER PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section

113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other States

113.320

Redetermination of Eligibility

113.330

Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section

113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application (Repealed)
 113.410 More Likely Than Not Eligible for SSI (Repealed)
 113.415 Non-Financial Factors of Eligibility (Repealed)
 113.420 Financial Factors of Eligibility (Repealed)
 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
 113.435 Medical Eligibility (Repealed)
 113.440 Attorney's Fees for SSI Applicants (Repealed)
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985;

DEPARTMENT OF HUMAN SERVICES

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amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15996, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15,

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1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 958, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13646, effective ~~July 15, 1998~~.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 113.40 Blind

- a) To be eligible for assistance as a blind person, an individual must be determined blind as currently defined by the Social Security Administration (SSA). (See 20 CFR 416, Subpart I, April 1, 1984.)
- b) If an individual is receiving Supplemental Security Income (SSI) or primary Social Security (OASDI) benefits, the Department shall accept the Social Security Administration's Administration (SSA) determination of blindness. The Department will make the determination of blindness when the client has been denied SSI on the basis of too much income. The Department uses the same criteria for blindness as is used under SSI. (See 20 CFR 416, Subpart I, April 1, 1984.)
- c) Determination Process
 - 1) If an individual receiving assistance is determined currently "not blind" by SSA under the SSI or primary OASDI programs, the Department shall accept SSA's determination of blindness and cancel the case, no matter which agency made the original determination of eligibility.
 - 2) If the individual appeals the SSA determination of blindness to SSA, and continues to receive SSI and/or OASDI, assistance shall be continued or reinstated through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection (c)(3) of this Section below:---if assistance has been cancelled--but--the client--later--appeals--to--SSA--the--case--shall--be--reinstated--through--the--AdJ--level--subject--to--the--time--

DEPARTMENT OF HUMAN SERVICES

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~~limits-of-subsection-(c)(3)-below.~~

- 3) If the client notifies the Department of his appeal to SSA within 10 days after of the date of the Department notice, assistance will be continued with no break. If the client notifies the Department of his appeal to SSA within 11 through 65 days after of the date of the Department notice, assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days from of the date of the Department notice, in which case assistance will be reinstated back to the original date of cancellation. 4) If the client is continuing--to--receive SSI--during-the-appeal-process--the-case-shall-be-continued-at-the SSP-level.

45) If an Administrative Law Judge finds the individual "not blind", the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of blindness to the Department at any time during this process.

- d) Redetermination of blindness is a condition of continuing eligibility for individuals who are not applying for or receiving SSI or OASDI benefits.

- e) When appropriate, the Department shall pay for a medical examination to determine blindness.

(Source: Amended at 22 Ill. Reg. 13642, effective JUL 15 1984)

Section 113.50 Disabled

- a) To be eligible for assistance as a disabled person, an individual must be determined disabled as currently defined by the Social Security Administration. (See 20 CFR 416, Subpart I, April 1, 1984.)

- b) If an individual is receiving Supplemental Security Income (SSI) or primary Social Security (OASDI) benefits, the Department shall accept the Social Security Administration's Administration (SSA) determination of disability. The Department will make the determination of disability when the client has been denied SSI on the basis of too much income. The Department uses the same criteria for disability as is used under SSI. (See 20 CFR 416, Subpart I, April 1 1984.)

- c) Determination Process

- 1) If an individual receiving assistance is determined currently "not disabled" by SSA under the SSI or primary OASDI programs, the Department shall accept SSA's determination of disability and cancel the case, no matter which agency made the original determination of eligibility.

- 2) If the individual appeals the SSA determination of disability to

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SSA, and continues to receive SSI and/or OASDI, assistance shall be continued or reinstated through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection (c)(3) of this Section. Below--if--assistance--has been--cancelled--but--the--client--later--appeals--to--SSA--the--case--shall--be--reinstated--through--the--ALJ--level--subject--to--the--time limits-of-subsection-(c)(3)-below.

- 3) If the client notifies the Department of his appeal to SSA within 10 days after of the date of the Department notice, assistance will be continued with no break. If the client notifies the Department of his appeal to SSA within 11 through 65 days after of the date of the Department notice, assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days from of the date of the Department notice, in which case assistance will be reinstated back to the original date of cancellation. 4) If the client is continuing--to--receive SSI--during-the-appeal-process--the-case-shall-be-continued-at-the SSP-level.

- 45) If an Administrative Law Judge finds the individual "not disabled", the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of disability to the Department at any time during this process.

- d) Redetermination of disability is a condition of continuing eligibility for individuals who are not applying for or receiving SSI or OASDI benefits.

(Source: Amended at 22 Ill. Reg. 13642, effective JUL 15 1984)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Professional Development Block Grant.
- 2) Code Citation: 23 Ill. Adm. Code 160.
- 3) Section Numbers: Adopted Action:
160.10 Amendment
160.20 Amendment
160.30 Amendment
160.40 Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 1C
- 5) Effective Date of Amendments: July 13, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of these adopted amendments is on file in the State Board's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 13, 1998, 22 Ill. Reg. 4557
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposal and final version:

The title of the Part has been changed to "Professional Development Block Grant" in keeping with the State Board's intention.

The reference to P.A. 90-548 has been deleted from Section 160.10(a) because that Act has now been codified.

The following text has been inserted before the period at the end of Section 160.40(f): "(e.g., numbers of teachers served, academic area(s) of focus)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: P.A. 90-548 made significant changes in the Block Grant for School Improvement described in Article IC of the School Code, focusing it on professional development exclusively. Changes have been made throughout Part 160 to correspond with this altered focus, beginning with changing the title of the Part from "Block Grant for School Improvement" to "Professional Development Block Grant." Another important change involves the basis on which the funds will be allocated to districts (see Section 160.30). This will now be done based on the number of full-time certified instructional staff employed by the district, rather than on a per-pupil basis. Most of the other changes are minor and are being made to conform the rules to the law's new provisions.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Terry Nunn
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
217/782-3810

The full text of the Adopted Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER C: FINANCE

PART 160
PROFESSIONAL DEVELOPMENT BLOCK GRANT FOR SCHOOL IMPROVEMENT

Section	Purpose
160.10	Use of Funds
160.20	Application, Approval, and Funding
160.30	Terms of the Grant

AUTHORITY: Implementing and authorized by Article 1C of the School Code [105 ILCS 5/Art. 1C].

SOURCE: Adopted at 19 Ill. Reg. 16533, effective December 5, 1995; amended at 22 Ill. Reg. 13652 effective JUL 13 1998.

Section 160.10 Purpose

- a) This Part establishes the procedures and criteria for approval of applications submitted by school districts to the State Board of Education for Professional Development block grant funds as authorized by Article 1C of the School Code [105 ILCS 5/Art. 1C].
- b) The purpose of the block grant is to allow greater flexibility and efficiency in the distribution of certain funds to school districts and in the use of these funds for the improvement of educational services pursuant to locally established priorities (Section 1C-1 10-2 of the School Code [105 ILCS 5/1C-1 5/10-2]).
- e) Block grant programs shall include:
 - 1) staff development, including those programs and activities that meet the requirements of Sections 2-3-59 and 2-3-60 of the School Code;
 - 2) development of outcomes and assessments, including the activities called for in Sections 2-3-63 and 2-3-64 of the School Code;
 - 3) planning related to second language programs; and/or
 - 4) other priorities identified in a district's school improvement plan(s) (see Subpart A of the State Board's rules for Public Schools--Evaluation--Recognition--and--Supervision--23--Ill--Adm--Code--17).

(Source: Amended at 22 Ill. Reg. 13652, effective JUL 13 1998)

Section 160.20 Use of Funds

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- a) Block grant funds provided pursuant to this Part shall be used only for professional development initiatives that address issues identified in a district's school improvement plan one or more of the areas listed in Section 160-10(e) of this Part.
- b) An amount not exceeding five percent of a district's block grant funds may be allocated for administrative costs directly related to the use of those grant funds one or more of the areas listed in Section 160-10(e) of this Part.

(Source: Amended at 22 Ill. Reg. 13653, effective JUL 13 1998)

Section 160.30 Application, Approval, and Funding

Each public school district is entitled to receive an annual distribution of block grant funds. This shall be calculated by the State Board of Education on a per-pupil basis based upon the total amount of funds appropriated for this purpose and the number of full-time certified instructional staff employed in the district as the total enrollment in grades K-12 reflected in the Teacher Service Record Fall Enrollment and Housing Report for the immediately preceding school year. "Full-time certified instructional staff" includes only those individuals included in the elementary, secondary, and special education categories on the Teacher Service Record who are full-time employees of the district. The following procedures shall apply to the distribution of these funds.

- a) The State Board of Education shall annually notify school districts of the estimated per-pupil amount of the block grant entitlement per qualifying staff member, and shall notify districts of the final entitlement amount within 60 days after the amount of the appropriation is determined. The Board shall distribute application forms to school districts, allowing at least 45 days for districts to complete the applications and return them to the agency.
- b) Each school district wishing to apply for block grant funds shall use the forms supplied by the State Board to furnish the following:
 - 1) A summary of the proposed use of the professional development funds, indicating the types of activities to be funded; and
 - 2) the total amount of the grant requested, which shall be the estimated amount for which the district is eligible pursuant to this Section; and
 - 3) Such certifications and assurances as the State Board of Education may require.
- c) State Board staff shall contact any school district whose application is incomplete, identifying such additional information as may be necessary for approval of the application.
- d) Failure to comply with submission timelines may delay a school district's receipt of block grant funds.
- e) The State Superintendent of Education shall approve each application that demonstrates compliance with Article 1C of the School Code and

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this Part.

(Source: Amended at 22 Ill. Reg. 13652, effective 4/13/93)

Section 160.40 Terms of the Grant

- a) Approved block grants will be paid to recipients in semiannual installments.
- b) All grant funds shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705].
- c) Each school district applying for funds under this program must have a staff development plan on file, approved as required by Section 2-3.59 of the School Code and the State Board's rules at 23 Ill. Adm. Code 30 (Staff Development Plans and Programs).
- d) Funds granted under this program must be used exclusively as set forth for the purposes listed in Section 160.20 160-10 of this Part and must be expended in accordance with the approved application and the grantee's policies and procedures related to such expenditures. Funds may only be expended for activities occurring during the grant period, which shall extend from July 1 of one year through June 30 September 15 of the following year.
- e) Each school district receiving block grant funds shall submit the semiannual expenditure reports required by Section 16-2 of the School Code on forms supplied by the State Board of Education. Such reports shall describe expenditures of block grant funds for particular functions, by categories such as salaries, benefits, purchased services and supplies and materials.
- f) To permit compliance with Section 1C-4 of the School Code [105 ILCS 5/1C-4], each school district shall annually provide to the State Superintendent of Education a year-end report including such information as the State Superintendent may require regarding the use of the funds provided pursuant to this Part (e.g., numbers of teachers served, academic area(s) of focus, the activities funded, the numbers of staff members who received staff development services and the content areas involved, if applicable, and a description of the results of the funded activities.

(Source: Amended at 22 Ill. Reg. 13652, effective 4/13/93)

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- 1) Heading of the Part: Consumer Installment Loan Act

- 2) Code Citation: 38 Ill. Adm. Code 110

- 3) Section Numbers:

110.1	<u>Adopted Action:</u>
110.10	Amended
110.15	New
110.20	Amended
110.30	Amended
110.40	Amended
110.50	Amended
110.60	Amended
110.65	New
110.70	Amended
110.80	Amended
110.90	Amended
110.100	Amended
110.110	Amended
110.120	Amended
110.130	Amended
110.140	Amended
110.150	Amended
110.160	Amended
110.170	Amended
110.180	Amended
110.190	Amended
110.200	Amended
110.210	Amended
110.215	New
110.220	Amended
110.225	New
110.230	Amended
110.235	New
110.240	Amended
110.250	New
110.260	New
110.265	New
TABLE A	Repealed
TABLE B	Repealed

- 4) Statutory Authority: 205 ILCS 670/221

- 5) Effective Date of Rule(s) (Amendments, Repealer): July 14, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule (amendment, repealer) contain incorporations by reference?

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No

8) A copy of these adopted amendments is on file in the State Board's principal office and is available for public inspection.

9) Notice(s) of Proposal Published in Illinois Register: February 13, 1998, 22 Ill. Reg. 3258

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No

11) Difference(s) between proposal and final version: The Department made non-subpart changes to the language based on Public comment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule (amendments, repealer) replace and emergency rule (amendment, repealer) currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s) (Amendments, Repealer): The rules were amended to coincide with statutory amendments.

16) Information and questions regarding this adopted rule (amendment, repealer) begins on the next page:

M. Rose Kelly
100 W. Randolph, 15-700, Chicago, IL 60601
312-814-2008

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

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TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 110

CONSUMER INSTALLMENT LOAN ACT

Section

110.1	Definitions
110.10	Minimum Requirements for Office Records
110.15	<u>Application for License</u>
110.20	Loan Register
110.30	Individual Account Records
110.40	File of Original Papers
110.50	Cash Book
110.60	Alphabetical Record of Borrowers-Endorser, Co-Makers, Obligors
110.65	<u>Permanent File</u>
110.70	Payments
110.80	Simple Interest Loans
110.90	Cancellation and Return of Documents
110.100	Finance Charges - Rebates and Delinquency Charges
110.110	<u>Hypothecation at the Time of the Sale of Obligor's Borrower's Notes</u>
110.120	Legal Forms
110.130	Judgments
110.140	Sale of Security
110.150	Trouble File
110.160	Lien Charges
110.170	Insurance
110.180	Office and Office Hours
110.190	Advertising
110.200	Other Business
110.210	<u>Examination Communications-and Remittances</u>
110.215	<u>Document Preparation Fee</u>
110.220	Credit Practices
110.225	<u>Verification of Amount Owed</u>
110.230	General
110.235	Relocation
110.240	Hearing Procedures
110.250	<u>Limited Purpose Branch</u>
110.260	<u>Off-Site Records</u>
110.265	<u>Servicing of Accounts by Contract</u>

TABLE A
Illinois Rule of 78 Fraction for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months (Repealed)

TABLE B
Rule of 78 Percentage Rebate Table (Repealed)

AUTHORITY: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22].

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SOURCE: Filed and effective June 19, 1970; amended at 3 Ill. Reg. 24, p. 16, effective June 15, 1979; emergency amendment at 4 Ill. Reg. 5, p. 372, effective January 16, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 36, p. 138, effective September 22, 1980; amended at 5 Ill. Reg. 1352, effective February 3, 1981; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1343, effective January 17, 1985; amended at 11 Ill. Reg. 2749, effective January 28, 1987; emergency amendment at 11 Ill. Reg. 14141, effective August 7, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective June 7, 1988; amended at 19 Ill. Reg. 44, effective December 22, 1994; amended at 20 Ill. Reg. 5799, effective April 8, 1996; emergency amendment at 22 Ill. Reg. 1485, effective January 2, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 1333, effective July 14, 1998.

Section 110.1 Definitions

Administrative-Procedure-Aet-means-ill-Rev-Stat-1991-eh-1377-par-1001-i-et-seq-

Obligor Borrower means the person to whom the proceeds of a loan are delivered or on whose behalf the proceeds of a loan are expended.

Business-loan-means-a-loan-to-a-business-as-defined-in-ill-Rev-Stat-19057-eh-177-par-6404-

Uniform Commercial Code means 810 ILCS 5 Ill-Rev-Stat-19057-eh-26-

Act means the Consumer Installment Loan Act [205 ILCS 670] means--ill-Rev-Stat-19057-eh-177-par-5401-et-seq-

Corporate--loan--means-a-loan-to-a-corporation-as-defined-in-ill-Rev-Stat-19057-eh-177-par-6404-

Date of the loan means the date on which the loan agreement is signed or accepted by the lender.

Department means the Department of Financial Institutions.

Director means the Director of the Department of Financial Institutions.

Federal-Consumer-Credit-Protection-Aet-means-15-USE-1601-

Generally accepted accounting procedures means those adopted supported by the American Institute of Certified Public Accountants and Federal Accounting Standards Board.

Hypothecate means to pledge a security instrument without transfer of Title.

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Installment-sales-contract-means-one-made-under-the-provisions-of--the-Retail-Installment-Sales-Aet--(ill-Rev-Stat-19057-eh-121-173-par-501)-or--the-Motor-Vehicle-Retail-Installment-Sales-Aet--(ill-Rev-Stat-19057-eh-121-172-par-501)-

Instrument-means-a-formal--legal--document--such-as--a--note--deed--contract--or--security-assignment-

Insurance Code Aet means 215 ILCS 5 Ill-Rev-Stat-19057-eh-73-

Interest-Aet-means-ill-Rev-Stat-19057-eh-177-par-6401-

Motor-Vehicle-Retail-Installment-Sales-Aet-means-ill-Rev-Stat-19057-eh-121-172-par-501-

Recording fee is a fee paid to a government agency to record or release a security instrument.

Regulation-X--Truth-in-Binding-Aet-means-12-CFR-226-effective-7-1-69-

Retail-Installment-Sales-Aet-means-ill-Rev-Stat-19057-eh-121-172-par-501-

Rule-of--70--means--that--proportion-of-the-original-charge-for-a-loan-which-the-sum-of-the-monthly-balancees-scheduled-to--follow--prepayment-in-full-bears-to-the-sum-of-all-the-monthly-balancees-

Sales Finance Agency Act means 205 ILCS 660 Ill-Rev-Stat-19057-eh-177-par-5201-

Truth-in-Binding-means-Federal-Regulation--87--12--CFR--226--effective-7-1-69-

(Source: Amended at 22 Ill. Reg. 1303, effective July 14, 1998)

Section 110.10 Minimum Requirements for Office Records

a) Every licensee shall keep the following records at the licensed location or their equivalent:

- 1) Loan register.
- 2) Individual account records including transaction histories of obligors borrowers.
- 3) File of all original papers.
- 4) Cash book.
- 5) Alphabetical record of all borrowers--endorsers, co-makers, obligors or sureties.
- 6) Permanent file.

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- b) Records for loans made under the Consumer-Installment-Loan Act shall be kept separate or readily identifiable from other types of business conducted in the office of such licensee.
- c) Such records must be kept at the licensed office for the record of business done under the Consumer-Installment-Loan Act. Electronic data processing, combination forms and special office systems may be used if in accordance with standard accounting procedures and contain the information enumerated above in Section 110.10(a).

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.15 Application for License

An application for a license must be in writing, under oath, and in the form the Director prescribes. The application shall contain the following:

- a) The name of the applicant and the address of the proposed place of business;
- b) The form of business organization of the applicant, including:
- 1) a copy of its filed articles of incorporation;
 - 2) a copy of the filed articles of organization, if the applicant is a limited liability company;
 - 3) a certified statement of the ownership of the partnership and any subsequent changes thereto, if the applicant is a partnership.
- c) The name, business and home address, credit report (except for a publicly traded company) and a chronological summary of the business experience, material litigation history, and felony convictions over the preceding 10 years of:
- 1) the proprietor, if the applicant is an individual;
 - 2) every general partner, if the applicant is a partnership;
 - 3) President, Secretary, Executive and Senior Vice Presidents, Directors, and individuals owning more than 25% of the corporate stock, if the applicant is a corporation; and
 - 4) the manager, if the applicant is a limited liability company.
- A licensee shall not submit the information required in subsections (b) and (c) of this Section if the licensee has previously submitted the information to the Department in a previous license application within the last 5 years and there have been no material changes, unless requested to by the Director.
- d) The most current year end financial statements, prepared in accordance with generally accepted accounting principles (Miller Comprehensive GAAP Guide, Harcourt Brace & Co., 6277 Sea Harbor Dr., Orlando FL 32877 (1998, no subsequent dates or editions)) and a balance sheet and statement of operations as of the most recent quarterly report before the date of the application.
- e) A list of all states in which the applicant is licensed as a lender or sales finance agency and whether the license(s) of the applicant has ever been withdrawn, refused, cancelled or suspended in any other

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- state, with full details.
- f) Bond as required by the Act.
- g) Appointment of Attorney-in-Fact.
- h) Business Plan, which shall only detail the nature, amount and term of loans to be made and types of security which will be taken.
- i) Photographs of both the inside and outside of the proposed site.
- j) Details of any other businesses which will be conducted within the licensed premises.
- k) Information Form.
- l) The applicable fees as required by the Act.
- m) Any additional information the Director considers necessary.

(Source: Added at 22 Ill. Reg. 13630, effective JUL 14 1998)

Section 110.20 Loan Register

- a) The loan register shall contain the original entry and be a permanent record, and shall show for every loan the account number, date of loan, amount of loan, name of obligor borrower, nature of security by types, amount of fees, the cost and type of any insurance, the amount of the note, including precomputed interest, the simple interest rate contracted for or amount of precomputed interest.
- b) The loan register shall be kept numerically by number of loans in order made, and shall have headings for each of the items required.

(Source: Amended at 22 Ill. Reg. 13630, effective JUL 14 1998)

Section 110.30 Individual Account Records

- a) An individual account record shall be kept for each obligor borrower. Such account record shall show the name and address of the obligor borrower, names of endorser, co-makers, obligors or sureties, loan number, date of loan, the number of payments, the amount of payments and payment due dates terms of repayment, nature of security by type, type and cost of insurance and name of bank if the note is hypothecated. The record for a simple interest loan shall show the original principal amount of the loan, rates of interest and finance charge where applicable. The record for a precomputed loan shall show the original principal amount of the loan, excluding the precomputed interest and charges, the amount of the finance charge and the face amount of the note including the finance charge. The record shall also show the amount of official fees received and paid out for filing, recording or releasing a financing statement or security agreement, including the fee required by the Secretary of State for perfecting a lien on a motor vehicle title.
- b) The record for a simple interest loan shall show the amount and date

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of each payment of principal and interest, the balance due on principal, and the date to which interest is paid. If the amount paid is insufficient to meet the entire amount of interest due, the record shall be clearly marked to indicate the extent of credit given for such interest payment and the date to which interest is paid. Upon the Department's or obligor's request involving a specific account or accounts, the licensee shall provide the amount of interest deficient.

c) The account record for a precomputed loan shall show the amount and date of each payment applied to the loan, the unpaid balance of the loan after applying such payment, and the date and amount of any additional interest collected for delinquency, default or deferment. If deferment interest is collected in whole or in part, the record shall indicate the deferred due date of the final installment and any uncollected portion of the deferment interest. The account record shall also show the original principal of the loan excluding the charge, the amount of the charge, the face amount of the note including the charge, and any additional charge made for extra days in the first installment period.

d) When a loan is prepaid in full, the account record shall show the date of prepayment, the amount paid to discharge the loan, the amount of the rebate on the finance charge, if any, and any deduction from the rebate for previously earned but uncollected delinquency, default or deferment charges.

e) When a loan is prepaid in full, the amount of any unearned insurance premium for every policy shall be recorded on the account record.

f) If payment is made in any other way than in the ordinary course of business, it shall be so designated. (For example, payment by a third party, insurance claim or sale of security.)

g) If loan receivables are sold to another person authorized by the Director as meeting the criteria enumerated in paragraph 5404 of the Act, the individual account record for such receivables shall show the name of the authorized person to whom sold and the date of such sale.

h) No erasures whatsoever shall be made in the payment and charge sections of any account record. In case of error, a line shall be drawn in ink through the improper entry and the correct entry made on the following line. The entries on the record shall correspond with the receipts given the obligor borrower.

i) Every licensee shall preserve the records of all loans, including the account record, for at least two years after making the final entry for such loan.

(Source: Amended at 22 Ill. Reg. 1003, effective 10/14/1993)

Section 110.40 File of Original Papers

a) Files

1) A separate file (such as an envelope or folder) shall be

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maintained for each obligor borrower and shall contain the note, security agreement, or financing statement, wage assignment, acknowledged copy of the disclosure statement of loan, insurance certificate, a separately signed statement indicating the borrower has received a copy of right to rescind (if required), or waiver, if any, and all other evidence of indebtedness or security pertaining to the loan, except when said documents are in the custody of a court or of an agent for collection, or are hypothecated as herein provided. Evidence of disclosure must be retained for two years from the date of the loan. Where prior written approval has been obtained from the Department, a licensee may maintain these files in any medium or format which accurately reproduces original documents or papers.

2) When an obligor a-borrower is also a co-maker or guarantor, obligor or endorser on another loan, the file of such obligor borrower shall be cross-referenced to the other, unless such cross-reference is included on the alphabetical record required by Section 110.60. Other papers relating to the borrower or his loan may be kept in the same or a separate file in the same office.

b) All legal instruments bearing evidence of indebtedness taken in connection with a loan and executed by an obligor a-borrower including the disclosure statement of loan shall must bear the loan number.

c) No licensee shall take any instruments in which the blanks are not filled in completely before the proceeds of the loan are delivered. All spaces or sections not used in the preparation of legal documents shall be ruled out or designated as "none", or "n/a", and any amendments to closed-end contracts shall be signed by the obligor and creditor.

d) The name and address of the licensee making the loan shall must appear on any note, wage assignment, security agreement or other legal instrument taken from an obligor a-borrower, before the proceeds of the loan are delivered.

(Source: Amended 10/14/1993 at 22 Ill. Reg. 1003, effective 10/14/1993)

Section 110.50 Cash Book

a) All receipts and disbursements of any amount whatsoever shall be entered on the day they occur in the cash book or equivalent record. Separate headings shall be provided for payments on principal and interest and for fees collected from obligor borrowers for filing, recording and releasing security agreements, financing statement for perfecting a lien on a motor vehicle, or for amounts received for any type of insurance coverage. In the case of precomputed loans, payments applied to the note may be shown as a total sum and need not be itemized between principal and precomputed charges. Additional

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charges collected for delinquency shall be itemized or otherwise separately indicated.

- b) The cash book shall show all fees paid by the licensee for filing, recording and releasing security agreements, financing statements or for perfecting a lien on a motor vehicle, and the actual date of payment.

- c) The cash book shall be a permanent record of all details of income and disbursements including all entries to individual accounts of borrowers.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.60 Alphabetical Record of Borrowers, Endorsers, Co-Makers, Obligors or Guarantors' Securities

The alphabetical record shall show the account number and the name of each borrower, endorser, co-maker, obligor or guarantor surety who is currently indebted to the licensee, together with sufficient information to locate the account record.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.65 Permanent File

Each licensee must maintain a permanent file which includes the following:

- a) A copy of all correspondence sent to or received from the Department within the past 24 months.
b) A copy of the last two examination exception reports and any related correspondence.
c) A copy of the Act and a copy of this Part.

(Source: Added at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.70 Payments

- a) All payments shall be credited on the account record as of the date received. Interest charges, as provided by the Consumer--Installment Loan Act, shall be collected only from the date the proceeds of the loan are delivered to or expended on behalf of the obligor borrower even though the note shall bear a prior date.

- b) When the finance charge is precomputed, the receipt for each payment shall show the date of payment, the amount, if any, applied to the balance face-amount of the loan and the amount, if any, applied to any other charges permissible under the Act. delinquency--default--or deferment--charge. Payments shall be applied in the order in which

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they become due.

- c) Monthly--installment--payment--dates--may--be--omitted--to--accommodate borrowers--with--seasonal--income.

- d) The receipt for each payment on a simple interest account shall show the date of payment, amount applied to interest, amount applied to the insurance, amount applied to principal, the balance due on the account, and any amount of interest earned but not collected.

- e) When a payment is made in cash, the licensee shall give a receipt to the obligor. A no--part--of--the--payment--is--applied--to--interest--delinquency--default--or--deferment--charges--a receipt is not required for payment by check or money order unless requested by the obligor.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.80 Simple Interest Loans

- a) No payment shall be accepted on the principal balance unless interest is paid to date or is agreed to waived by the licensee, except a payment may be credited to principal where the amount thereof is not sufficient to pay the interest due for one day.

- b) A calendar month is the period from a given date in one month to the same numbered date in the following month, and if there is no same numbered date in the following month, to the last day of the following month.

- c) Interest shall be computed on the basis of one month's interest for each calendar month and one-thirtieth of a month's interest for each day in a fraction of a month or, alternatively, 1/365th of the agreed annual rate for each day actually elapsed.

- d) When a simple interest loan contract is renewed or refinanced, accrued, but uncollected, interest may be included in the principal amount of the new loan contract.

- e) A non-standard payment schedule with irregular times or amounts and varying interest rates is permissible in accordance with Section 15(e)(3) of the Act providing there is proper disclosure of an independently verifiable index beyond the control of the licensee.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.90 Cancellation and Return of Documents

The contract and promissory note All--original--legal--documents executed by the obligor borrower bearing evidence of indebtedness shall be cancelled and returned to the obligor borrower promptly following the renewal or paid in full date. Where prior written approval has been obtained from the Department and original documents are not available, a licensee shall substitute copies reproduced from any medium or format which accurately reproduces the original

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documents. On renewal, continuing security agreements may be retained until subsequent loans are paid in full. If an executed copy of a legal document is retained following payment in full or renewal, to--empty--with--us--and--in--sending" it must be clearly marked "PAID", "CANCELLED" or "RENEWED", indicating the date of payment or renewal. Copies clearly identified with the legend "COPY NOT NEGOTIABLE", or similar language, may be used in lieu of this requirement.

(Source: Amended at 22 Ill. Reg. 136.027, effective 01-15-83)

Section 110.100 Finance Charges - Rebates and Delinquency Charges

a) Computation of Finance Charge

- 1) Charges may be computed on the original face amount of the loan contract for the full term of the loan contract at the agreed rate.
- 2) The maximum charge so computed (or any lesser amount) may be added to the original principal amount of the loan or may be deducted from the face amount of the contract when the loan is made.

- b) A standard payment schedule is one under which a loan is repayable in substantially equal and consecutive monthly installments of principal and charge(s) combined, and the first installment is due one month from the date of the note, except as provided below.

- 1) The loan contract shall be drawn to reflect a standard payment schedule with payments to be made on a calendar month basis, except that the first installment period may exceed one month by as much as 15 days. If a charge is made for extra days in the first installment period it may be added to the first installment payment. The interest for such period may be increased by 1/30th of the agreed monthly rate for each extra day. A charge for extra days in the first installment period does not change the amount of rebate required for prepayment in full on or after the first installment date.

- 2) If the first installment period is less than one month the loan charge shall be reduced by 1/30th of the agreed monthly rate for each day that the first installment period is less than one month, and the amount of the first installment shall be reduced by the same amount. Such adjustment in the first installment period does not change the amount of rebate required for prepayment in full on or after the first installment date.

- c) The obligor borrower shall have the right to prepay a loan in full on any installment due date. When prepayment in full occurs on a date other than a scheduled installment due date, the rebate may be computed as of the next following scheduled installment due date.

- d) When the contract is renewed or refinanced before maturity, or judgment is obtained before maturity, the same rebate is required as

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for prepayment in full.

- e) The Section 15 of the Act specifies the Rule of 78ths shall be the method of as--the--method--of--rebating--precomputed--contracts--charges. The rebate shall be that proportion of the original charge for the loan which the sum of the monthly balances scheduled to follow such prepayment in full bears to the sum of all the monthly balances, both sums to be determined according to the originally contracted payment schedule. The required rebate is a fraction (or percentage) of the precomputed interest original--loan--charge. The fraction differs for each number of months that the contract is prepaid in full. Table--A shows--required--rebate--fractions--for--contracts--of--2--to--120--months--for--each--number--of--months--prepaid--Table--B--shows--the--equivalent--percentages--for--eleven--maturities--from--12--to--120--months--in--effect--the--Rule--of--78--allocates--an--equal--fraction--(percentage--or--unit)--of--the--charge--to--each--installment--for--each--month--that--each--installment--is--scheduled--to--be--outstanding--and--the--required--rebate--is--one--such--fraction--(percentage--or--unit)--of--such--charge--for--each--month--that--each--installment--is--prepaid--as--the--result--of--prepayment--in--full. When a precomputed interest loan contract is renewed or refinanced, accrued but uncollected interest may be included in the principal amount of the new loan contract.

g) Delinquency or Default Charges

- 1) All delinquency charges (Default Charges) shall comply with the requirements and provisions of the applicable statute under which the contract was made. If an installment is not paid in full within 10 days of its scheduled due date, a licensee may contract for--and--receive--a--default--charge--not--exceeding--5%--of--the--amount--of--the--installment.

- 2) Delinquency charges may be assessed and collected and added to the balance of the note, but interest shall not be collected on said charge.

- 3) Earned, but uncollected, delinquency charges shall be recorded on the account record on the date the delinquent payment is received, if the licensee intends to collect the charges at a later date.

- h) If two or more installments are delinquent on any installment date the contract balance may be reduced as of such date by the rebate which would be required for prepayment in full on such date. Thereafter, the agreed contractual rate may be charged on the actual unpaid balances of the loan contract until the contract is fully paid. Interest so received shall be in lieu of the rebated charges and any delinquency charge which would otherwise accrue after the date of which the rebate was made.

- i) When a contract is prepaid in full, a statement or receipt shall must be given to the obligor borrower, showing the date of prepayment, the amount of the rebate, if any, and the amount paid to discharge the loan.

- j) Fifteen (15) days after the expiration date of the loan contract

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interest may be charged at the contractually agreed rate on any balance remaining unpaid. At the time of final payment the licensee shall notify the obligor borrower of the balance unpaid and that if such balance is paid within 15 days no interest charge will be made.

§7 If a borrower moves out of the State of Illinois and the loan is transferred to another branch or affiliate of the licensee, the contract balance may be reduced by the rebate which would be required for prepayment in full on such transfer date and thereafter the monthly rate contractually agreed upon may be charged on the actual unpaid balances of the loan contract. The receiving branch or affiliate of the licensee must be advised of the charges permitted on a transferred loan and the account records shall be so identified.

k) Deferment

1) The maximum amount which may be charged for a one month's deferment is equal to the difference between the rebate that would be required for prepayment in full as of the scheduled due date of the deferred installment and the rebate which would be required for prepayment in full as of one month prior to said date.

2) On a precomputed loan the rebate for prepayment in full after deferment interest has been charged shall must be larger than the rebate which otherwise would be required. It is sufficient to calculate rebate upon the standard precomputed interest for the number of months of the contract from the installment date following the date of prepayment to the deferred due date of the final installment. Any uncollected portion of such deferment interest may be deducted from the standard rate so computed. When the rebate is computed by referring to the number of elapsed months of the contract instead of the number of prepaid months, the number of elapsed months must be reduced by one month for each month that deferment interest has been charged. A proportionate charge may be made for periods of more or less than one month.

3) If a rebate is required one month or more before the deferred due date of the first deferred installment, the licensee, at its option, may make a separate rebate of deferment interest for each unexpired month of the deferment period and then rebate the standard precomputed finance charge interest for the number of months to the original final installment date, plus one month for each month that deferment is retained.

§7 The statute does not require any rebate for partial payments which do not prepay the contract in full. However, there may be occasions when a rebate is advisable due to a substantial partial prepayment.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.110 Hypothecation at the Time of the Sale of Obligor's Resources

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Notes

a) A licensee may pledge, hypothecate or sell a note made under the provisions of the Act without the prior approval of the Director provided that said transaction is with another licensee under the Act. Sales Finance Agency Act, a bank, savings bank, savings and loan association or credit union created under the laws of this State or the United States and that the following conditions are satisfied: Borrower's notes and security therefor may be hypothecated with any bank or trust company or its correspondent or subsidiary doing business in Illinois provided the pledgee agrees in writing in form satisfactory to the Department that the Director or his representatives may at any time examine the pledge instruments, and such pledgee shall also agree in writing to provide suitable working quarters in Illinois for the examiner of the Department to make such examination.

1) the licensee notifies the Department in writing within ten days of the transaction indicating the name of the purchaser/pledgee, location where the related notes can be examined and that the licensee shall be responsible for all examination costs.

2) the licensee will provide the Department with an executed agreement entered into by the licensee and the purchaser/pledgee authorizing the Director to conduct an examination of these notes.

b) All pledges, hypothecations or sales to entities other than those listed in subsection (a) of this Section require the prior approval of the Director.

c) Each instrument hypothecated must bear the following endorsement:

"This instrument is non-negotiable in form but may be pledged as collateral security. If so pledged, any payment made to the payee, either of principal or of interest, upon the debt evidenced by this obligation, shall be considered and construed as a payment on this instrument, the same as though it were still in the possession and under the control of the payee named herein; and the pledgee holding this instrument as collateral security hereby makes said payee its agent to accept and receive payments hereon, either of principal or of interest."

d) The licensee shall keep in the licensed office a record or list of all account records of all loans sold to another affiliated or non-affiliated licensee at the time of the sale. The account shall be maintained in such file until examined and released by the examiner. This record or list shall indicate the date of transaction, account name and number, and the names of the other buyer in the transaction.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

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Section 110.120 Legal Forms

a) Submission to the Department

1) All No forms of notes, security agreements or assignments of wages or other forms shall be used in connection with the making of loans shall be unless such forms as are desired to be used shall have first been submitted to the Department for fitting. New licensees shall present to the Department for fitting all forms contemplated to be used in the making of loans prior to the conduct of the licensed business in the licensed location; provided, however, where the licensee or affiliate is engaged in the same business and licensed by this Department to engage in such business in another location, the use of forms in the new location identical to those being used in the existing location shall not require filing. Notice of intent to use identical forms (change of name excepted) should be provided the Department by the licensee licensees.

2) Should the licensees at any time following submission of forms for fitting, modify, change or enlarge the forms previously submitted, the forms as modified shall changed or enlarged must be submitted to the Department for fitting.

3) No implication of approval or disapproval by the Department of any form filed with it is to result from objections received from the Department or silence of the Department relative thereto. Standard forms approved by the Department shall be used in the following cases:

- 1) Application for original license.
- 2) Application for annual renewal of license.
- 3) Change of location.
- 4) Annual Report.
- 5) Appointment of attorney in fact for service of for process.
- 6) Bond.

(Source: Amended at 22 Ill. Reg. 13653, effective JUL 14 1998)

Section 110.130 Judgments

a) When a note has been reduced to judgment, the face of the account record shall must show the amount and date of the judgment. When judgment is taken on a precomputed loan before maturity, the same rebate of interest is required that would be required for prepayment in full on the date of the entry of judgment.

b) All payments received shall be applied to the judgment balance and be properly identified. The rate of interest charged on a judgment balance must comply with current applicable statutes. No higher rate of interest or charge shall be assessed or accepted.

c) The files of the licensee shall must contain statements signed by the

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attorney of record, judge or magistrate or clerk of the court setting forth, in the order listed, the following items:

- 1) Date of judgment.
- 2) Copy of the judgment Name of licensee.

3) Judgment debtor.

3) 4 Date suit was filed.

5) Nature of the suit.

6) Name and location of the court.

4) 7 Amount of the judgment.

5) 8 The in the case of a simple interest loan, the amount of principal and the amount of interest for which judgment is taken.
 6) 9 In the case of a precomputed loan, the unpaid balance of note, the rebate of interest, subtracted therefrom, the resulting balance, plus the amount of any default and deferment interest included in the judgment.

10) Court costs.

11) Judgment by.

A) Defaulter.

B) Foreclosure.

C) Contested suit.

12) Disposition of the case.

d) Court costs charged to the obligor shall borrower must be itemized and verified by receipts received bits.

e) Where property is foreclosed or sold pursuant to any judgment or judicial process, the file must contain a copy of the decree or judicial sale.

f) If records related to the judgment are kept off-site, the licensee shall make these documents available from that site or return the records to the licensed location within 72 hours after the Department's request.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.140 Sale of Security

The following regulations shall be observed in the sale of security:

a) The account record shall must give the following information:

1) When possession of the security was obtained, and whether by voluntary or involuntary action.

2) Public or private sale and date sold. When and how sold public or private sale.

3) When part or all of the security is sold, the fact must be noted on the account record.

4) All credits from proceeds of the sale must be properly identified (whether by sale of security, etc.).

b) The files of the licensee shall must contain:

1) Evidence of compliance by licensee with all applicable provisions

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of the Uniform Commercial Code (111-Rev.-Stat.-1985-eh.-267 par.-181-et-seq.) in the sale and disposition by a secured party of collateral after default including copies of all notices directed to the obligor debtor or debtors as required therein or as required by any other law, statute or regulation, state or federal.

2) Copy of notice of intended sale which must contain notice of default, balance owing, date, place and time of public intended sale or the date after which a private sale may occur and if public or private. Such notice must be forwarded to the obligor debtor or debtors if more than one by certified mail to the last known address of the obligor debtor or debtors.

3) Signed receipts from the purchasers for or from the auctioneer if the sale is public describing the collateral chattels purchased, showing the amount paid for same and the name of the obligor borrower who executed the security agreement, and, if a private sale, copies of any competitive bids.

4) Copy of statement of final accounting, original of which shall be sent to the obligor borrower after the sale, which statement shall set forth the sale price of the collateral chattel or chattels, itemization of the costs of sale, and the deficiency balance due on the account if any.

5) A report of condition of the collateral at the time of retaking. No waiver of the provisions of the Uniform Commercial Code safeguarding the rights of the obligor shall debtor or debtors be accepted by a licensee prior to default.

d) When the collateral property is abandoned and the address of the obligor borrower is uncertain or unknown, notice of sale and statement of final accounting shall be sent to the last known address by registered or certified mail, return receipt requested.

e) The following is the form or its equivalent shall to be used when collateral is chattels are sold:

STATE _____ DATE _____
CITY _____

This is to acknowledge that the undersigned did purchase from _____ creditor, under the terms of a certain security agreement executed by _____ and _____ on the _____ day of _____, 19____, the following described goods and collateral chattels:

(enumerate articles)

Signature of Purchaser

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f) In connection with the sale of collateral property given as security for loans after default, the licensee shall make only such charges for expense incurred as are permitted by the applicable provision of the Uniform Commercial Code which charges must be reasonable, taking into consideration the nature of the collateral security, the circumstances surrounding the sale, the fair market value of the collateral and the amount of the indebtedness. Such charges must be substantiated by paid receipts.

g) The licensee may not charge any commission nor any expense in connection with the taking and sale of security exceeding 10% of the sale price. Should the borrower abandon, conceal or damage the security or cause the licensee unreasonable difficulty or delay to an orderly sale and disposition of said security, any lawful expense incurred by the licensee in the taking and sale of security may be charged by the licensee against the proceeds of sale and if the sale is a public sale the net proceeds after all lawful charges and reasonable expense incurred shall be applied to the loan account as a credit and sale price realized at said sale shall be considered the fair market value of the security sold.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 110.150 Trouble File

A separate and complete file shall be kept containing all records pertaining to judgments, foreclosures, repossessions, death claims and sales, which record shall be filed alphabetically under the name of the obligor borrower or by account number.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 110.160 Lien Charges

a) All official fees paid for the purpose of perfecting or releasing a security interest in property given as collateral for a loan may be collected by a licensee from the obligor borrower.

b) The licensee may require the prospective obligor borrower to provide evidence of ownership and condition of title as a prerequisite for a loan, all of which expense is to be assumed and paid by the borrower.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 110.170 Insurance

a) Licensees at their option may provide insurances to the obligor

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provided borrower-providing the obligor borrower has indicated in a specific, dated and separately signed statement that he or she desires the insurance coverage. The purchase of any policy of insurance from or through the licensee shall not be a condition precedent to a loan. Such insurance shall comply with the Illinois Insurance Code (~~411-Rev-Stat--1985~~ch--73) (~~par--613-et-seq--7~~as approved and amended) and all lawful requirements of the Director of Insurance related thereto.

Types-of-Coverage

Credit accident—and health—insurance—providing—benefits
receptive—to—the first-day-of-ability-is—approved-by
the—Department—Any event accident—and health—insurance
coverage—a—licensee—wishes—to-set must comply—with the
attorneys—the insurance—Covered—first—Rev Stat—1905—chapter—73—Part—
767-54—Section—55-547—and 50 H H—Admin—Code—9517-9-927—and
9537—

b) The licensee may provide joint credit life or joint credit accident and health insurance if both insureds are obligated for the loan; however, this coverage shall not be a requirement precedent to the extension of credit.

2+ Rates-and-Charges

A) The maximum charge for voluntary credit life and credit accident and health insurance shall be as prescribed by the Illinois Insurance Code, Ill. Rev. Stat. 1985, ch. 73, par. 767-507, section 155-507, and the Administrative Code 95-1 and 95-2.

B) Each license shall deliver to the Department of Financial Institutions a schedule of the rates to be charged on policies together with copies of policies to be issued and approved by the Department of Insurance.

By _____ shall deliver to the Department of Education
his or her consent to the use of the _____-
approved _____ of _____
approved by the Department of Education.

c)3) When a loan is prepaid in full by cash--a new loan--refinancing--or otherwise--except by the insurance, the obligor shall borrower--must receive a refund of the insurance charges. The required refund shall be computed according to the method established by Section 15--6--the Consumer--Installment--Loan--Act, commonly called the Rule of 70ths or the Sum of the Digits Method. When the refund of any other--credit life--or--accident--and--health insurance premium payments is less than \$1.00, no refund is required.

4) No fence-shaft-decline-new-or-existing-insurance-which-meets the-standards-for-un-fair-not-prevent-any-obligation-obtaining-such-insurance-coverage-from-other-sources.

d)5+ It shall be the licensee's responsibility to explain clearly to the obligor ~~borrower~~ the benefits and limitations of any insurance requested in connection with any loan or extensions thereof.

e)6) ~~the statement required by Section 16 of the Consumer Installment Loan Act--shall disclose the type and cost of insurance to the borrower.~~The licensee shall also deliver or cause to be delivered to the obligor ~~borrower~~ a copy of the policy, or policies, certificate, or other evidence thereof at the time the loan is made, and all obligors shall

sign and receive a copy of a separate agreement clearly and conspicuously disclosing the limits of coverage.

f.) No obligor borrower shall be required to purchase any policy of insurance from any certain company, agent, broker or person as a condition precedent to a loan. No licensee shall decline new or existing insurance which is approved by the Department of Insurance, or prevent any obligor from obtaining such insurance from any other source.

g) If when the loan is made, the insurance charges shall be computed for no more than the term of the loan contract on an amount which does not exceed the total amount required to pay the combined total of principal and interest charges.

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h) If the borrower dies during the term of the transaction the life insurance shall pay the benefits due according to the terms of the policy. The obligor's estate or next of kin shall be paid the amount due if any of between the unpaid balance and the insurance benefit paid. Evidence of this payment shall be maintained by the licensee.

i)B) In the case of a precomputed contract, the amount of the net unpaid balance shall be the unpaid balance of the note unless any required rebate for prepayment in full on the date of the borrower's death, plus accrued but unpaid delinquency charges. In the case of a simple interest contract, the amount of the net unpaid balance shall be the principal balance plus accrued interest to the date of the borrower's death.

ii) The licensee shall keep in its office a separate record of all accounts on which death claims have been paid. The account records shall indicate the date of death and the refunds of interest or loan charges and unearned insurance premiums paid to the next-of-kin or estate. The refund check or voucher shall be available on demand.

k) d) Insurance against loss-of-income, loss or damage to real or personal property given as security for a loan or liability arising out of ownership may be required of an obligor ~~a~~-borrower.

l) Property insurance provided by a licensee on loans in a principal amount exceeding \$500 shall cover a substantial risk of loss or damage to property related to the loan; the coverage shall be consistent with the amount and term of the loan and shall not extend beyond the maturity of the loan unless the loan is delinquent, when it may be extended 30 days beyond the original expiration date without charge to the obligor(s).

m) Upon cancellation of the loan by prepayment, renewal or refinancing, the obligor(s) shall be entitled to a refund not less than the unearned premium based on the Rule of 78ths in any amount exceeding \$1.00.

n) The licensee or affiliate may receive compensation for the sale of any insurance or debt cancellation contract or other such product purchased pursuant to the loan made or held by the licensee, provided the licensee discloses to the obligor that either the licensee or an

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affiliate may receive something of value in connection with the purchase by the obligor. This must be prominently disclosed in the loan contract.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.180 Office and Office Hours

Every licensee shall maintain a place of business to which the general public shall have free access and where all obligations entered into shall be payable.

a) Except as provided in subsection paragraph (c) below, or otherwise authorized by the Department, each licensed office shall be open not less three consecutive hours between 8:00 A.M. and 6:00 P.M. on every business day, except Saturdays, Sundays and legal holidays, during the term of the license, and the licensee shall file with the Department a schedule of the hours during which it elects to keep such office open, provided that any licensee may keep its office open for any period it sees fit in addition to the hours listed in such schedule.

b) Whenever a licensee desires to change the schedule of hours during which its office shall remain open then on file with the Department, it may do so upon filing with the Department a schedule setting forth such change of time at least three days before such change shall go into effect. The schedule of hours shall be prominently displayed in the place of business of the licensee.

c) If any payment of principal or interest, or both, shall be due on any obligations to such licensee on any closed day, then such payment shall be considered for all purposes, including the computation of interest, as having been received on the closed day, if such payment shall be received, whether through the mail or otherwise, at any time before the close of business on the next regular business day following such closed day.

d) The license of each licensee and the Annual License Fee Renewal Certificate shall be prominently displayed and be made available for easy reading by the public in the place of business of the licensee.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.190 Advertising

a) Licensees shall not advertise "No co-makers required", "No endorsers required", "Signature only" loans, "Loans made on your plain note" or the like, unless such loans constitute at least 50% of all loans made by the licensee.

b) Licensees shall not make reference in any form of advertising such as newspapers, circulars, letters, radio, or other media, to "Low rates", or "Lower rates", or "Lowest rates", or "Lowest cost", or to indicate

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by direct or indirect means through such expression as "Low cost", "Lower cost", or "Easier to repay", or by any device that the charges for a loan are low.

c) Licensees may advertise "New reduced rates" or "Reduced rates", or similar phrases for not more than sixty days after the effective date of such reduction in rates.

d) Upon specific request by the Department, licensees shall forward to the Supervisor of the Consumer Credit Division the complete text of all advertising copy whether printed or broadcast for which questions have been raised concerning compliance with the Section--10--of--the Consumer--Installment--Loan Act.

e) A licensee may indicate in advertising and otherwise that its business is "regulated" or "examined" or "supervised" or "licensed" by the State of Illinois. A licensee may not advertise in a false, misleading or deceptive manner or imply or indicate that the rates or charges for loans made are "approved", "set" or "established" by the state government, or any enactment. [205 ILCS 670/18]

f) Should any advertisement by a licensee state the amount of any installment payment, dollar amount of any finance charge or number of installments, or period of repayment, the advertisement shall comply with the provisions of the Consumer Credit Protection Act #15-U-S-C-1681-et-seq-7 and the regulations applicable thereto, issued-by--the Federal-Reserve-Board-

g) Any statement of the payment schedule for a loan in an advertisement must show the proceeds of the loan exclusive of the finance charge and indicate the number and amount of the monthly installments required to pay the loan contract. The total of the installments must be sufficient to pay the total of the proceeds and finance charge for the loan according to the payment schedule. When a payment schedule is used, it must disclose the Annual Percentage Rate for each amount of loan advertised, using that term.

h) If the advertisement includes an offer of insurance, the advertisement must disclose the type of insurance offered and whether or not the installments include the cost thereof.

i) The licensee shall not advertise the conduct of business other than at the license location or other location approved by the Director. The conduct-of-business-by-the-licensee-at-locations-other-than-that-named in--the--license-is--prohibited--by--205--ILCS--670/7--and--therefore advertising--to--that-effect-would-be-misleading-and-not-in-compliance with-Section-10-of-the-Act--No-licensee-shall-state-or-imply--either verbally--or-in-print--that-he-will-make-any-loan-or-transact-business at-any-place-other-than-that-named-in-the-license.

j) On a finding that an advertisement is false, misleading or deceptive, the Director may issue a cease and desist order.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

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Section 110.200 Other Business

a) Unless otherwise authorized by the Act, no other business may be conducted at in the licensed location Consumer-Installment-Loan-Office unless authorized in writing by the Director pursuant to Section 12--of--the--Consumer-Installment-Loan-Act. The Director's authorization will be predicated upon the licensee's agreeing to the following agreement:

a) That the authorization will not conceal nor facilitate concealment of an evasion of the Consumer-Installment-Loan Act;

b) To comply with any State regulatory-state or federal statute Act or regulation;

c) To obtain any acquire license or registration required by federal, State state or local government agency to engage in the other business authorized;

d) That the Department may examine all records and investigate any or all transactions of in the office-of-the licensee; operating-under-the provisions-of-this-Section-to-determine--that--the--business--complies with-all-applicable-laws-and-regulations-and-shall-charge-the-licensor \$100-00--for-each-examiner-day-or-portion-theof-required-to-make-and-complete-an-examination--or--investigation--of--such-business---Each office-will-have-an-up-to-date-copy-of-the-employees-training-manual or-policy-guidebook-used-by-employees-available-to-the-examiners;

e) The Director to recognize the retains the right, Director's authority upon notice and opportunity to be heard, to alter, amend or revoke another business authorization; for-noncompliance-with-paragraphs-(1)-(2)-(3)-or-(4)-of-this-Section-or-117-Rev-Stat-1905--ch-17--par-5401-et-seq-

f) That if any federal or State statute or regulation enacted thereafter prohibits the activity, the authorization shall become null and void immediately.

b) Other--businesses-which-may-be-authorized-by-the-Director-include-but are-not-necessarily-limited-to:

1) A-licensor-or-parent-company-or-wholly-owned-subsidiary-of-----such licensee-may-conduct--the--business--of--financing--installment sales---and/or---purchasing--or--collecting--their--bona-fide installment-sale-contracts-without-the-written-consent--of--the Director:

A) The-licensor--shall--not--apply--or--require--the-borrower-to apply-a--loan--made--by--the--licensor--to--make--a--partial prepayment--of--any--installment-sale-contract-which-has-been purchased--held--or--collected-in-part--by--such--licensor--or affiliated-person:

B) A-licensor--shall--not--knowingly--make-a--loan--which--is--used--in whole--or--in--part--to--make--a--down-payment--on--an--installment sale--contract--which--will--be--purchased--held--or--collected--by the-licensor--affiliated-person:

C) When-an-installment-sale-contract--held--by--a--licensor--or affiliated--person--is--paid--in--full--from--the-proceeds--of-a

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loan--by--the-licensor--or--affiliated-person--a--portion--of the-time-price-differential--shall--be--rebated--as--prescribed in--Section--7--of--the-Motor-Vehicle-Retail-Installment-Sales Act-(117-Rev-Stat-1905--ch--121-1/2--par--567)--and/or Rev-Stat-1905--ch-121-1/2--par--597-

B) When-the-proceeds-of-a--loan--are--used--to--pay--in--full--an installment--sale--contract--held--by--the-licensor--or--by--an affiliated-person--the-account-record--for--such--a--loan--shall disclose--the--account--number--of--the--account--so--paid--and between-visits--of--the-Department's-Examiners--the-licensor or--affiliated--person--shall--keep--in--the--licensed-office--a separate-file--on--all--account--records--or--copies--thereof pertaining--to--such--installment-sale-contracts---Such-account record--shall--disclose--information--as--follows--date--of purchase--date--of--contract--and-maturity--payment-schedule--amount--of--financing-charge--on-which-rebate--was--calculated--amount--of--rebates--if--any--amount--if--any--paid--for insurance--and--other-benefits--and-official-fees--paid--or--to be-paid--to--a--public-officer--for--perfecting--a--lien--or--to--file or--record--a--release--as--well--as--date--and--account--number--of the--loan-

B) When--such--an--installment--contract--involves--subsequent purchases--(add-on)--as--provided--for--in--Section--21--of--the Retail--Installment--Sales--Act--a--separate-rebate--shall--be computed--for--the--original--purchase--and--each--subsequent purchase--as--if--each--purchase--had--been--made--under--a--separate contract-

P) For-the-purpose--of--computing--rebate--of--the--finance--charge the--amount--actually--paid--by--the--seller--or--subsequent-holder of--the--contract--to--a--fully--licensed--insurance--agent--or broker--or--insurance--company--for--insurance--premiums--may--be excluded--from--the--finance--charge--in--the--event--of cancellation--of--any--automobile--insurance--or--insurance--on other--tangible--personal--property--the--refund--of--the insurance--premium--to--the--buyer--shall--not--be--less--than--that granted--by--the--insurance--company--With-respect--to--any--other insurance--which--is--cancelled--the--refund--of--the--insurance premium--or--cost--shall--be--not--less--than--that--required--under the-Rule--of--70--refund-method--the-official-fee--paid--or--to be--paid--to--public--officers--for--perfecting--the--lien--or--to file--or--record--a--release--are--not--required--to--be--rebated-

G) No-part--of--the--finance--charge--except--the--acquisition-charge --shall--be--excluded--from--the--finance--charge--in--computing--the required-rebate-

2) A-licensor--under--the--Consumer--Installment-Loan-Act--or--parent company--or--wholly-owned-subsidiary--of--the-licensor--may--conduct--the business--of--making--any--other--loan--permitted--to--be--made--by

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applicable state or federal law.

- 3) Credit--life--and--accident--and--health--insurance--may--be--provided--and--a--charge--therefor--made--to--the--buyer--in--connection--with--an--other--licensed--business--transaction--as--set--forth--in--Section 110-170--and--the--qualifications--therein--in--a--retail--installment transaction--insurance--against--loss--or--damage--to--property--or liability--arising--out--of--ownership--may--be--required--of--an--obligor--who--purchases--of--any--policy--of--insurance--from--the--licensee--shall not--be--a--condition--precedent--to--a--loan--
- 4) A--licensee--under--the--Consumer--Installment--Loan--Act--may--conduct--a loan--by--mail--program:

- A) A--loan--by--mail--is--defined--as--one--initiated--and--executed--by the--borrower--by--mail--without--the--borrower's--physical--entry into--the--office--and--in--which--the--receipts--of--the--loan--are transmitted--by--mail--to--the--borrower--at--a--point--other--than the--licensed--premises:
- B) Office--records--and--files--of--original--papers--must--indicate--by a--distinguishing--mark--that--the--loan--was--made--by--mail:
- i) Loan--register;
 - ii) Individual--account--records--of--borrowers;
 - iii) File--of--all--original--papers;
 - iv) Alphabetical--index--of--all--borrowers--and--endorsers--co-makers--or--sureties.

(Source: Amended JUL 14 1998 at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.210 Examination Communications and Remittances

- a) Licensees shall forward address all examination remittances communications to the Division of Consumer Credit Department of Financial Institutions, at any address designated by the Director 100 West--Randolph--Street--Chicago--Illinois--60601--or--421--East--Capitol--Springfield--Illinois--62706--All--remittances--must--be--forwarded--to--the Chicago--address.

- b) All fees and charges shall be remitted in the form of a check, draft or money order to the order of Director of Financial Institutions.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.215 Document Preparation Fee

A licensee may assess the obligor a document preparation fee not to exceed \$25. This fee may be assessed for consummated loans only and shall be itemized and disclosed in the loan contract as prescribed under the provisions of the Truth-in-lending Act. In the event of prepayment in full, no portion of this fee is required to be refunded.

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(Source: Added at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.220 Credit Practices

No licensee while collecting or attempting to collect an alleged debt shall engage in any of the following acts:

- a) Using or threatening to use force violence or physical harm to an obligor debtor, his family or his property;
- b) Threatening arrest or criminal prosecution when no basis for such action lawfully exists;
- c) Threatening the seizure, attachment and sale of an obligor's property when such action can only be taken pursuant to court order unless disclosure is made that prior court proceedings are required;
- d) Disclosing or threatening to disclose information adversely affecting an obligor's reputation for credit worthiness with knowledge or reason to know such information is false;
- e) Threatening to initiate or initiating communication with an obligor's employer unless there has been a default in the payment of the obligation and at least 5 days prior written notice to the last known address of the obligor of the intent to communicate with the employer and except as expressly permitted by statute or court order;
- f) Communicating or threatening to communicate with an obligor or his family with such unreasonable frequency as to constitute harassment, or at times reasonably considered to be unusual hours or known to be inconvenient;
- g) Using profane, obscene or abusive language with an obligor or his family;
- h) Disclosing or threatening to disclose information relating to an obligor's indebtedness to any other person except when such other person has a legitimate business need for the information;
- i) Disclosing or threatening to disclose information concerning the existence of a debt which the licensee knows to be reasonably disputed by the obligor without disclosing the fact that the debt is disputed;
- j) Attempting or threatening to attempt enforcement of a right or remedy with knowledge or reason to know that the right or remedy does not exist.
- k) Use of any form of communication simulating legal or judicial process which gives the appearance of being authorized, issued or approved by a governmental agency, official or attorney at law when it is not;
- l) Use of badges, uniforms, or other indicia of any governmental agency or official except as authorized by law;
- m) Misrepresenting the amount of the debt alleged to be owed;
- n) Representing that an alleged debt may be increased by the addition of attorney's fees, investigation fees or any other fees or charges when there is no contractual or statutory authorization for such addition.

(Source: Amended at 22 Ill. Reg. 13657, effective JUL 14 1998)

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Section 110.225 Verification of Amount Owng

a) Upon written request by either the obligor or the obligor's appointed designee to obtain the amount owing to satisfy the loan in full, the licensee shall provide the following information in writing no later than 3 business days after receiving the request:

- 1) Net amount owing as of date of response;
- 2) For simple interest loans, the per diem interest that will accrue for every day thereafter;
- 3) For precomputed loans, the date that amount owing as stated in response will expire.

b) The licensee shall only be required to provide this information once every 6 months.

(Source: Added at 22 Ill. Reg. 13684, effective

JUL 14 1993)

Section 110.230 General

a) A Subject--to--the--Federal--Trade--Commission--Credit--Practices--Rule--16 EPR-444-199577 wage assignment may be taken from any employed obligor borrower. An "obligor" A-borrower as the word is used in this Part includes endorses, obligors, co-makers or sureties as well as the person actually receiving the money.

b) No person who himself is an obligor a-borrower of a licensee may become a surety--endorser or co-maker for one or more obligors borrowers of the same licensee, if his aggregate direct or contingent liability is in excess of maximum principal amounts specified in Section 15 of the Act.

c) The licensee shall keep in the licensed office a record or list of all account--records--of--all--loans--purchased--or--sold--to--another--affiliated or non-affiliated licensee--the account--shall be maintained--in--such file--until--examined--and--released--by--the--examiner--This record or list shall indicate--the date of transaction--account name and number--and the name of the other buyer/seller in the transaction:

d) No licensee shall sell any note or security deposited--by--an--obligor except--to--another--licensee--under--the--Consumer--Installment--Loan--Act; Sales--Finance--Agency--Collection--Agency--Act--or--other--persons authorized--by--the--Director--as meeting the criteria in par--5404--of the Act; provided, however, that--this--shall not apply--where--the borrower takes up residence outside the State of Illinois.

e) Notary fees shall not be charged to or collected from the obligor borrower.

f) No licensee shall take any power of attorney except to acknowledge the execution of an instrument.

g) All books, records, files and account records required by the Consumer

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Installment--Loan--Act--relevant--federal--acts--and--the--rules--and regulations--of--the--Department--shall at all times be kept up-to-date. No licensee shall transact business licensed under the Consumer Installment--Loan--Act--under any other name or at any other place of business than that named in the license.

d) Examination of Records

1) The Department may examine all records and investigate any or all transactions in the office of the licensee operating under the Consumer--Installment--Loan--Act--to determine that the business complies with applicable laws and regulations and shall charge the licensee \$100.00 for each examiner day or portion thereof required to make and complete an examination or investigation of such licensee.

2) The examination of the books and records of the licensee may be conducted concurrently with the examination of any other business conducted by the licensee which is regulated or licensed by the Department. A separate charge shall be made for each examiner day or portion thereof required to complete each examination--as to licensed business.

3) A request to change a place of business to a location other than that set forth in the license shall be submitted to the Department for approval at least 10 days prior to the removal together with an investigation fee of \$100.00 and the license shall be delivered for execution of removal consent.

4) Prior to the completion of the loan, the licensee must inform the obligor in a disclosure statement or other instrument that the obligor has the right to prepay the loan in full at any time before maturity and that upon prepayment in full on any installment date, such prepayment will reduce the finance and insurance charge for the loan.

5) No penalty charge other than provided by the Consumer--Installment Loan Act or the rules and regulations thereunder shall of the Department of Financial Institutions may be imposed by the licensee in the event of prepayment of the principal of the obligation, in whole or in part.

6) Except as provided herein or as permitted under any other consumer loan law and as contained in the Consumer--Installment Loan--Act--(Ill. Rev. Stat. 19957 ch. 17 par. 5419)--the licensee may not charge the borrower a loan fee, finder's fee, service fee, transaction fee, activity fee, investigation fee, credit report fee, broker's fee or any such similar charge or fee.

7) Each licensed office shall have on file or accessible for ready reference current copies of the Consumer--Installment--Loan--Act--(Ill. Rev. Stat. 19957 ch. 17 par. 5401 et seq.) the rules and regulations of this Department pertaining to said Act and federal laws and regulations pertaining to the Consumer--Credit--Protection Act (15 U.S.C. 1601 et seq.) applicable to the conduct of business by the

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licensee-

f) For the purpose of any reports required by the Department of Financial Institutions, expenses of all businesses conducted in the licensed office shall be allocated to each such business at the end of each year. The Department shall require information as to all such business in the licensee's annual report.

n) No licensee shall discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction. For purposes of determining an individual's aggregate responsibility, an obligor or borrower and spouse are considered one person if jointly responsible on an account.

o) When a license is suspended, licensee's office must remain open during regular business hours to take payments on existing loans, but not to make new loans.

g) Loans secured by real estate made under this Act shall disclose on the face of the contract that the loan is being made pursuant to the Consumer Installment Loan Act.

(Source: Amended at 22 Ill. Reg. 13657, effective July 14 1998)

Section 110.235 Relocation

a) Whenever a licensee desires to change the licensed place of business to a location other than that set forth in the license and the proposed site is 15 miles or less from the current location, the licensee shall provide the Department with the following at least ten days prior to the relocation:

- 1) A written notice providing the complete address of the new location;
- 2) Photographs of both the exterior and interior of the new location;
- 3) A written sworn statement that the new location will not share the premises with that of another business and the exact distance in miles between the existing location and new location;
- 4) A relocation fee of \$100; and
- 5) The original legal size license for endorsement.

b) A relocation in excess of 15 miles requires the prior approval of the Director in addition to the information required in subsection (a) of this Section.

(Source: Added at 22 Ill. Reg. 13657, effective July 14 1998)

Section 110.240 Hearing Procedures

a) Hearings

After receipt of a written request for a hearing, the Director shall

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send to the respondent requesting the hearing, by certified mail, at least 10 days prior to the date set for such hearing, a Notice of Hearing. The Notice shall include the date and the time and place of the hearing to review the propriety of any administrative actions made pursuant to the Act. In accordance with Section 9(f) of the Act, the Director will notify any licensee by registered mail of the date, time and place of a hearing for fine, suspension or revocation of license.

b) The Director may designate, in writing, a Hearing Officer who shall have the minimum qualification of being licensed to practice law in Illinois. The Hearing Officer may be disqualified for bias or conflict of interest. The Hearing Officer shall have the authority to:

- 1) Examine or permit examination of any witness under oath;
 - 2) Determine the order of appearance of all parties;
 - 3) Receive all evidence and testimony and rule on its admissibility as well as require the production of any relevant document or witness;
 - 4) Rule on objections to evidence;
 - 5) Make a written report with recommendations to the Director which shall include findings of fact and conclusions of law with respect to the claim. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and
 - 6) Require any party or his attorney to provide proposed findings of fact or conclusions consistent with the law for consideration in his report.
- c) General Provisions
- 1) Delivery of notice shall be deemed complete when the notice is deposited in the to the United States mail Postal Service shall constitute delivery.
 - 2) A continuance shall be granted for good cause by the Hearing Officer or his designee which shall be:
 - A) In writing, in duplicate and signed by the respondent petitioner or his attorney and shall state the reasons for the request;
 - B) Delivered to the Hearing Officer or his designee at least three days prior to the scheduled hearing.
 - e) For the purposes of this subsection (c)(2) paragraph, good cause shall require the respondent petitioner to demonstrate real and compelling need for additional time. It shall include but not be limited to illness, service in the armed forces, etc.
 - 3) The respondent licensee shall bear all the costs of the hearing whether or not he or she is in attendance. Absence of the licensee shall not prohibit the Department from proceeding unless a continuance has been granted.
 - 4) A court reporter will be present and considered as part of the costs of the hearing.
- d) Conduct of Hearings

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- 1) The Hearing Officer shall open the hearing by presenting for the record his letter of authorization from the Director. The licensee or his attorney shall then present his case and the proof thereof. The proof may include testimony or any document relevant to the claim.
- 2) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. The Hearing Officer may admit evidence not admissible under such rules if such evidence may be relevant to the case in accordance with Section 10-40 of the Illinois Administrative Procedure Act (41 Ill. Rev. Stat. 1991, ch. 127, par. 1010-40).
- 3) The Hearing Officer may on his own motion or the motion of one of the parties take notice of matters of which the Circuit Courts of this State may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed. The burden of opposing any material admitted upon notice shall be upon the party so opposing.
- 4) Failure of the respondent to attend the hearing shall result in dismissal of the respondent's petition and an entry of a default against the respondent. Within 30 days from dismissal of the respondent's petition, the respondent may petition the Hearing Officer for reconsideration if the respondent can establish that his failure to attend was caused by events beyond his control and he exercised due diligence to attend or seek a continuance. No Department employee or Hearing Officer shall, after notice of a hearing, communicate with any party or his attorney in connection with any issue in said hearing except notice and opportunity for all parties to participate.
- 5) The record of any hearing shall include:
 - A) All pleadings, and evidence received whether admitted or excluded;
 - B) A statement of all matters officially noticed;
 - C) All offers of proof, objections and rulings thereon;
 - D) All proposed findings and exceptions;
 - E) Any decision, opinion, or report by the Hearing Officer;
 - F) Any communication prohibited by this rule, although such communication shall not form the basis for any finding of fact;
 - F) Any evidence excluded by the Hearing Officer, even though such evidence is not used in the determination of the claim;
 - G) A proceeding transcript which shall be recorded by such means as to adequately ensure the preservation of the testimony.
- 6) Within 60 days after of the hearing or the receipt of all necessary documents, the Hearing Officer shall report to the

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- 7) Within 30 days after receiving the report of the Hearing Officer, the Director shall issue his decision, which shall be served on the respondent and other parties personally or by registered or certified mail, return receipt requested. Copies of the Hearing Officer's report to the Director are available upon written request from the petitioner.
 - e) Petition to Reconsider
 - 1) Within 30 days after receipt of the Director's decision, the respondent may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the preponderance manifest weight of the evidence, was contrary to law, or was arbitrary or capricious, or is affected by newly discovered evidence not in existence at the time of the initial hearing or which could not have been discovered using due diligence at that time.
 - 2) The Director shall determine within 15 fifteen days whether to reconsider the case. If the Director determines after reading the affidavit that one or more of the findings listed in subsection (e)(1) has been alleged by the respondent petitioner, a hearing may be held pursuant to this rule and shall be limited to only those issues raised in by the petition to reconsider and affidavit. If reconsideration is denied, the Director's initial decision shall be the final administrative decision of the Department.
- (Source: Amended at 22 Ill. Reg. 13689, effective 3/1/1993)
- Section 110.250 Limited Purpose Branch**
- A licensee applying for a limited purpose branch shall submit to the Department the following:
- a) A written application in the form prescribed by the Director.
 - b) Fee as prescribed by the Act.
 - c) Photograph of proposed site and a description of the location, including any other business which is conducted there.
 - d) Written statements:
 - 1) that no other activity shall be conducted at the site, including but not limited to accepting payments, servicing the accounts, or collections; and
 - 2) that the proposed site shall not be within 1,000 feet of a facility operated by an inter-track wagering licensee or an organization licensee subject to the Illinois Horse Racing Act of 1975, or riverboat subject to the Riverboat Gambling Act, or within 1,000 feet of the location at which the riverboat docks.
 - e) Any additional information that the Director may require.

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Section 110.260 Off-Site Records
With the Director's prior written approval, the licensee may retain records at a location other than the licensed location. The licensee shall make a written request which shall include the following:

- a) Address of off-site location.
- b) Contact person and telephone number at the off-site location.
- c) Statement that all books, records and account information shall be made available within 72 hours after the Department's request at either the licensed location or the off-site location.
- d) At the Director's discretion, the examination may be conducted at either the licensed location or the off-site location.
- e) The licensee will pay for all examination expenses.

(Source: Added at 22 Ill. Reg. 13657, effective JUL 14 1998)

Section 110.265 Servicing of Accounts by Contract

Upon prior approval of the Director, the licensee may contract for servicing of accounts. A request for the Director's approval shall be in writing and include the following:

- a) Name and address of proposed servicer;
- b) Executed contract, conditioned upon approval by the Director, between licensee and servicer;
- c) Contact person and telephone number of the servicer;
- d) A statement that the licensee will make all books, records, and account information readily available for examination by the Department;
- e) A statement that the licensee will pay all examination expenses; and
- f) Written consent of servicer for the Department to conduct its examination.

(Source: Added at 22 Ill. Reg. 13657, effective JUL 14 1998)

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- e) A statement that the licensee will pay all examination expenses; and
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- e) The licensee will pay for all examination expenses.

Number-of-months
originally
contracted-for

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--3
--4
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1/3
1/6
1/10
1/15
1/21
1/20
1/36
1/45
1/55
1/66
1/70
1/91
1/105
1/120
1/136
1/153
1/171
1/190
1/210
1/231
1/253
1/276
1/300
1/325
1/351
1/378
1/406
1/435
1/465
1/496

Number-of-months
prepaid

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--3
--4
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1/21
1/20
1/36
1/45
1/55
1/66
1/70
1/91
1/105
1/120
1/136
1/153
1/171
1/190
1/210
1/231
1/253
1/276
1/300
1/325
1/351
1/378
1/406
1/435
1/465
1/496

REBATE-FRACTIONS-FOR-CONTRACTS
PREPAID-ONE-MONTH

(Find-number-of-months-con-
tracted-for-on-left-and
rebate-fraction-on-right)

NUMBER-OF-REBATE-FRACTIONS
FOR-BARBER-PREPAYMENTS

(Find-number-of-months-prepaid
on-left-and-number-of
rebate-fractions-on-right)

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Number-of-months
originally
contracted-forNumber-of-months
prepaid

-32 1/528
-33 1/561
-34 1/595
-35 1/630
-36 1/666
-37 1/703
-38 1/741
-39 1/780
-40 1/820
-41 1/861
-42 1/903
-43 1/946
-44 1/990
-45 1/1035
-46 1/1081
-47 1/1128
-48 1/1176
-49 1/1225
-50 1/1275
-51 1/1326
-52 1/1378
-53 1/1431
-54 1/1485
-55 1/1540
-56 1/1596
-57 1/1653
-58 1/1711
-59 1/1770
-60 1/1830
-61 1/1891
-62 1/1953
-63 1/2016
-64 1/2080
-65 1/2145
-66 1/2211
-67 1/2278
-68 1/2346
-69 1/2415
-70 1/2485
-71 1/2556
-72 1/2628
-73 1/2701
-74 1/2775
-75 1/2850

-520
-561
-595
-630
-666
-703
-741
-780
-820
-861
-903
-946
-990
1035
1081
1128
1176
1225
1275
1326
1378
1431
1485
1540
1596
1653
1711
1770
1830
1891
1953
2016
2080
2145
2211
2278
2346
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2485
2556
2628
2701
2775
2850

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Number-of-months
originally
contracted-forNumber-of-months
prepaid

1/2926
1/3083
1/3081
1/3160
1/3240
1/3321
1/3403
1/3486
1/3570
1/3655
1/3741
1/3828
1/3916
1/4005
1/4095
1/4186
1/4278
1/4371
1/4465
1/4560
1/4656
1/4753
1/4851
1/4950
1/5050
1/5151
1/5253
1/5356
1/5460
1/5565
1/5671
1/5770
1/5886
1/5995
1/6105
1/6216
1/6328
1/6441
1/6555
1/6670
1/6786
1/6903
1/7021
1/7140

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DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

Section 110. TABLE B Rule of 78 Percentage Rebate Table (Repealed)

GRAPHIC MATERIAL

See printed copy of IAC for detail

Number-of-months originally contracted-for	Number-of-months prepaid	
	120	7260

The-fraction-of-the-charge-required-to-be-rebated-for-contracts-prepaid-in-full
one-month-is-in-left-hand-column--to--right--of--number--of--months--originally
contracted--for--The-number--of--fractions-required-to-be-rebated-for-earlier
prepayment-is-in-right-hand-column-to-right-of-number-of-months-prepaid.

DIRECTIONS:To-determine-the-required-fraction-of-the-charge-to-be-rebated,find
the-number-of-months-originally-contracted--for--in--the--left-hand
column--and--the--number-of-months-prepaid-in-the-right-hand-column,
then-multiply-the-rebate-fraction-in-the-left-hand-column-beside-the
number-of-months-contracted-for-by--the--number--in--the--right-hand
column--beside--the--number--of--months--prepaid--to-determine-the
required-rebate-apply-the-required-rebate-fraction--to--the--charge
ignoring-any-adjustment--for--first--installment--period--Round
result-to-nearest-penny.

(Source: Repealed at 22 Ill. Reg. 13657, effective
01-14-1998)

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GRAPHIC MATERIAL

See printed copy of IAC for detail

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GRAPHIC MATERIAL

See printed copy of IAC for detail

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DIRECTIONS:

- 1) Find--the--vertical--column--headed--by--the--number--of--months--originally contracted--for--("Term--of--loan").
- 2) Find--the--horizontal--line--identified--at--the--side--by--the--number--of months--prepaid.
- 3) Move--across--to--the--intersection--of--the--vertical--and--horizontal--lines of--figures--where--you--will--find--the--percentage--of--the--add-on--or discount--charge--required--to--be--rebated--Apply--this--percentage--to--the standard--charge--(ignoring--any--adjustment--for--first--installment period).

For--example--under--a--12--month--contract--12--installments--are--outstanding--the first--month--11--installments--for--the--next--month--and--so--on--until--only--one installment--is--outstanding--the--last--month--therefore--the--interest--allocation is--12/70--(15.30%)--to--the--first--month--11/70--(14.10%)--to--the--next--month--and 1/70--(1.20%)--to--the--last--month--if--a--12--month--contract--is--prepaid--in--full--one month--the--required--rebate--is--1/70--(1.20%)--of--the--standard--charge--if--prepaid three--months--6/70--(7.69%)--and--if--prepaid--six--months--2/70--(2.67%)--if--the loan--is--\$1,000--and--the--charge--is--\$92.04--the--amount--of--the--required--rebate--is \$1.19--if--prepaid--one--month--\$7.14--if--prepaid--three--months--and--\$4.99--if prepaid--six--months.

Under--a--24--month--contract--24--installments--are--outstanding--the--first--month--23 the--next--month--and--so--on--until--there--is--one--installment--the--last--month therefore--the--interest--allocation--is--24/300--(8%)--to--the--first--month--23/300 (7.67%)--to--the--next--month--and--1/300--(1.33%)--to--the--last--month--the--required rebate--fraction--is--1/300--(1.33%)--if--prepaid--one--month--6/300--(2%)--if--prepaid three--months--and--70/300--(36%)--if--prepaid--twelve--months--if--the--24--month--loan is--for--\$1,000--and--the--charge--is--\$284.00--the--amount--of--the--required--rebate--is 60--cents--if--prepaid--one--month--\$4.10--if--prepaid--three--months--and--\$53.25--if prepaid--twelve--months.

(Source: Repealed at 22 Ill. Reg. 13657, effective July 14 1998)

DEPARTMENT OF FINANCIAL INSTITUTIONS

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- 1) Heading of the Part: Sales Finance Agency Act

- 2) Code Citation: 38 Ill. Adm. Code 160

- 3) Section Numbers: Adopted Action:

160.01	New
160.10	Amended
160.20	Amended
160.30	Amended
160.40	Amended
160.50	Amended
160.55	New
160.60	Amended
160.80	Amended
160.90	Amended
160.100	Amended
160.110	Amended
160.120	Amended
160.130	Amended
160.140	Amended
160.150	Amended
160.160	Amended
160.170	Amended
160.180	Amended
160.190	Amended
160.200	Amended
160.210	Amended
160.220	Amended
160.230	Amended
160.240	New
160.250	New
160.260	New

- 4) Statutory Authority: 205 ILCS 660/8(9)

- 5) Effective Date of Rule(s) (Amendments, Repeal): July 14, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule (amendment, repealer) contain incorporations by reference? No

- 8) A copy of these adopted amendments are on file in Secretary of State's Principal Office and is available for public inspection.

- 9) Notice(s) of Proposal Published in Illinois Register: February 13, 1998, 22 Ill. Reg. 3314

DEPARTMENT OF FINANCIAL INSTITUTIONS

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- 10) Has JCAR issued a Statement of Objections to this (these) rules? No
- 11) Difference(s) between proposal and final version: The Department made technical changes after discussions with various individuals.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? YES
- 13) Will this rule (amendments, repealer) replace and emergency rule (amendment, repealer) currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s) (Amendments, Repealer): Rules were adopted to be consistent with amendments to Act.
- 16) Information and questions regarding this adopted rule:

Name: M. Rose Kelly
 Address: 100 W. Randolph, Suite 15-700
 Chicago, IL 60601
 Telephone: 312-814-2008

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
 CHAPTER 1: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 160
 SALES FINANCE AGENCY ACT

Section	
160.01	Application for License
160.10	Minimum Requirements for Office Records
160.20	Transaction Register
160.30	Individual Account Cards
160.40	File of Original Papers
160.50	Cash Book
160.55	Permanent File
160.60	Alphabetical Records of Buyers, Co-Purchasers and Obligor
160.70	Payments
160.80	Delinquency Charges (Default Charges)
160.90	Cancellation and Return of Documents
160.100	Extensions--Renewals--Rebates
160.110	Hypothecation of Security Instruments
160.120	Legal Forms
160.130	Judgments
160.140	Sale of Security
160.150	Trouble File
160.160	Lien Charges
160.170	Insurance
160.180	Office and Office Hours
160.190	Advertising
160.200	Business Source and Affiliates
160.210	Examination Communications and Remittances
160.220	Credit Practices
160.230	General
160.240	Hearing Procedure
160.250	Servicing of Accounts by Contract
160.260	Off-site Records

AUTHORITY: Implementing and authorized by Section 8(9) of the Sales Finance Agency Act [205 ILCS 660/8(9)].

SOURCE: Filed September 21, 1970; amended at 5 Ill. Reg. 1358, effective February 3, 1981; codified at 7 Ill. Reg. 11728; amended at 9 Ill. Reg. 1370, effective January 17, 1985; amended at 12 Ill. Reg. 17844, effective October 24, 1988; amended at 19 Ill. Reg. 49, effective December 22, 1994; emergency amendment at 22 Ill. Reg. 1543, effective January 2, 1998; amended at 22 Ill. Reg. 1663, effective July 4, 1998.

Section 160.01 Application for license

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a) An application for a license must be in writing, under oath, and in the form the Director prescribes. The application shall contain the following:

- 1) The name of the applicant and the address of the proposed place of business.
- 2) The form of business organization of the applicant, including:
 - A) a copy of its filed articles of incorporation;
 - B) a copy of the filed articles of organization, if the applicant is a limited liability company;
 - C) a certified statement of the ownership of the partnership and any subsequent changes thereto, if the applicant is a partnership.
- 3) The name, business and home address, credit report (except for a publicly traded company), and a chronological summary of the business experience, material litigation history, and felony convictions over the preceding 10 years of:
 - A) the proprietor, if the applicant is an individual;
 - B) every general partner, if the applicant is a partnership;
 - C) President, Secretary, Executive and Senior Vice Presidents, Directors and individuals owning more than 25% of the corporate stock, if the applicant is a corporation; and
 - D) the manager, if the applicant is a limited liability company.

4) The most current year end financial statements, prepared in accordance with generally accepted accounting principles (Miller Comprehensive GAAP Guide, Harcourt Brace & Co., 6277 Sea Harbor Dr., Orlando FL 32887 (1998, no subsequent dates or editions)) and a balance sheet and statement of operations as of the most recent quarterly report before the date of the application.

5) A list of all states in which the applicant is licensed as a lender or sales finance agency and whether the license(s) of the applicant has ever been withdrawn, refused, cancelled or suspended in any other state, with full details.

6) Information Form.

7) The applicable fees as required by the Act.

8) Any additional information the Director considers necessary.

(Source: Added at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.10 Minimum Requirements for Office Records

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a) Every licensee shall keep the following records or their equivalent:

- 1) Transaction registers.
- 2) Individual accounts cards of all obligors.
- 3) File of all original papers or, where prior written approval has been obtained from the Department, copies which have been reproduced in any medium or format which accurately reproduces the original papers.
- 4) Cash Book.
- 5) Alphabetical record of all buyers, co-purchasers, and obligors on all obligations.
- 6) Permanent file.
- b) Records pertaining to the conduct of business regulated by the Sales Finance Agency Act shall be kept at the licensed office, separate or readily identifiable from other types of business conducted in the office of the licensee. Combination forms and special systems may be used if in accordance with standard accounting procedures.
- c) The term "licensee" as used herein except as may be excluded by Section 17 of the Act, shall include those licensed under the provisions of the Sales Finance Agency Act and those engaged in the business of a Sales Finance Agency in this State and not required to be licensed as a Sales Finance Agency.
- d) The terms "transaction" and "contract" as used herein shall be synonymous with Retail Charge Agreement, Retail Installment Contract and loans secured by Retail Installment Contract, Retail Charge accounts or the outstanding balances under such contracts or agreements.

(Source: Amended at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.20 Transaction Register

- a) The Transaction Register shall contain the original entry and be a permanent record. It shall show for every transaction the account number, date of transaction, nature of security, type and cost of insurance and amount of fees.
- b) It shall show the amount financed, finance charge, annual percentage rate, itemization of all other charges not specified in subsection paragraph (a), schedule of payments, and total of payments which will include all charges.
- c) The Register shall be kept numerically by number of transactions in the order made, and shall have proper headings for the items required.

(Source: Amended at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.30 Individual Account Cards

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An individual account card shall be kept for each transaction or appropriate combination of records with respect to each finance agreement, ~~amount--of contract~~ which the licensee acquires pursuant to Section 2(a) of the Sales Finance Agency Act.

a) ~~1~~ Such account card or records shall show the name and address of buyer, names of co-purchasers or obligors, transaction number, date of transaction, nature of security, type and cost of insurance, official fees charged and paid, amount and date of each installment due and paid; the schedule of installments as set forth in the instrument purchased, total finance charge where applicable, the name of holder if the instrument is hypothecated.

b) ~~2~~ The card shall also show the date of purchase by licensee, the name of the seller, the amount financed, the amount and description of all charges to debtor not specified above and total of payments including all charges.

c) ~~b~~ When a transaction is prepaid in full, the account card shall show the date of prepayment, the amount paid to discharge the debt, the amount of the rebate for each of insurance and finance charge, if any, and any deduction from the rebate for previously earned but uncollected delinquency charges and insurance.

d) ~~e~~ The card shall contain the date and amount of all late charges and extension charges collected indicating the period for which said charges are applicable.

e) ~~d~~ If payment is made in any other way than in the ordinary course of business, it shall be so designated. (For example, payment by a third party, insurance claim or sale of collateral security.)

f) ~~e~~ If receivables are sold, the individual account cards or copies thereof for such receivables shall show the name of the purchaser and the date of such sale.

g) ~~f~~ No erasures whatsoever may be made in the payment or charge section of any account card. In case of error, a line shall be drawn in ink through the improper entry and the correct entry made on the following line. The entries on the card shall correspond with the receipts given the borrower.

h) ~~g~~ Every licensee shall preserve the account card for at least two years after final entry.

(Source: Amended at 22 Ill. Reg. 1360, effective JUL 14 1993)

Section 160.40 File of Original Papers

a) A separate file (such as an envelope or folder) shall be maintained for each obligor. Each such file shall contain the contract, security agreement or financing statement, wage assignment, evidence of compliance with the requirements of the Federal Consumer Credit Protection Act (15-U.S.C.-1601-et--seq-) and all other instruments which are evidence of indebtedness or security pertaining to the

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transaction, except when said documents are in the custody of a court or of an agent for collection, or are hypothecated or sold as herein provided. Other papers relating to the obligor or his debt may be kept in the same or a separate file in the same office. Where prior written approval has been obtained from the Department, a licensee may maintain these files in any medium or format which accurately reproduces original documents or papers.

b) All legal instruments evidencing ~~bearing--evidence--of~~ indebtedness taken in connection with a transaction and executed by an obligor, including a copy of The Disclosure Statement, if a separate instrument, must bear the transaction number.

c) Except for the account number, no licensees shall take the assignment or purchase of any instruments in which the blanks are not filled in completely. All spaces or sections not used in the preparation of legal documents shall be ruled out or designated as "none" or "n/a". Any amendments to the retail installment contract shall be signed by the obligor and creditor or assignee.

d) The name and address of the original seller must be incorporated into or appear on all legal instruments taken from an obligor and acquired by a licensee.

(Source: Amended at 22 Ill. Reg. 1360, effective JUL 14 1993)

Section 160.50 Cash Book

a) All receipts and disbursements of any amount whatsoever shall be entered on the day they occur in the cash book or equivalent record. Separate headings shall be provided for installments, charges, and for official fees collected and disbursed, and for amounts received and disbursed for any type of insurance coverage.

b) The cash book shall be a permanent record of all details of income and disbursements including all entries to individual accounts of obligors.

c) For precomputed contracts, payments ~~Payments~~ applied to a transaction may be shown as a total sum and need not be itemized between amount financed and finance charges, but additional charges collected for delinquency shall be itemized or otherwise separately indicated.

d) For simple interest contracts, payments applied to a transaction must be itemized between principal, interest, other charges and additional charges collected for delinquency.

(Source: Amended at 22 Ill. Reg. 1360, effective JUL 14 1993)

Section 160.55 Permanent File

Each licensee shall maintain a permanent file which includes the following:

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- a) A copy of all correspondence sent to or received from the Department within the past 24 months.
- b) A copy of the last two examination exception reports and any related correspondence.
- c) A copy of the Sales Finance Agency Act, a copy of this Part, the Motor Vehicle Retail Installment Sales Act and the Retail Installment Sales Act.
- d) A list of Business Source and Affiliates as prescribed in Section 160.200 of this Part.

(Source: Added at 22 Ill. Reg. 13599, effective JUL 14 1998)

Section 160.60 Alphabetical Record of Buyers, Co-Purchasers and Obligors

The alphabetical record shall show the name of each buyer, co-buyer, co-purchaser and obligor who is currently indebted to the licensee, together with sufficient information to locate the account card.

(Source: Amended at 22 Ill. Reg. 13599, effective JUL 14 1998)

Section 160.80 Delinquency Charges (Default Charges)

a) All delinquency charges (Default Charges) shall comply with the requirements and provisions of the applicable statute under which the contract was made. A delinquency charge may be collected, if the instrument so provides, in an amount not exceeding 5% of the installment in default or \$5.00, whichever is less, when an installment is delinquent not less than 10 days. Only one charge may be made for default of any installment irrespective of the length of default. Where the contract is governed by the Retail Installment Sales Act (Ill. Rev. Stat. 1981, ch. 121-1/2, par. 501 et seq.), the licensee may collect in lieu of a default charge interest after default on each such installment not exceeding the highest lawful contract rate.

b) Delinquency charges may be assessed and collected but shall not be added to the contract. Earned but uncollected default charges shall be recorded as of the date the delinquent installment is received even though collected as of a later date. Where the uncollected charge is waived it shall be noted on the account card.

c) In determining the grace period, the scheduled contract payment date shall not be considered as part of the total days during which the installment is delinquent.

d) When a default charge has been collected on a delinquent installment and before such installment is paid, the unpaid time balance is extended as provided in the applicable act; the default charge is to be rebated or credited to the debtor's account if the extension charge is computed so as to include a charge for the period of default for which the default charge was assessed.

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(Source: Amended at 22 Ill. Reg. 13599, effective JUL 14 1998)

Section 160.90 Cancellation and Return of Documents

All original legal documents executed by the obligor evidencing bearing evidence of indebtedness shall be cancelled and returned to the obligor promptly following the renewal or payment paid in full date. Where prior written approval has been obtained from the Department and original documents are not available, a licensee shall substitute copies reproduced from any medium or format which accurately reproduces the original documents. Continuing security agreements shall may be retained until subsequent debts are paid in full. If an executed copy of a legal document is retained following payment in full or renewal, to comply with truth-in-lending it must be clearly marked "PAID", "CANCELLED" or "RENEWED", indicating the date of payment or renewal. Copies clearly identified with the legend "COPY NOT NEGOTIABLE" or similar language, may be used in lieu of this requirement.

(Source: Amended at 22 Ill. Reg. 13599, effective JUL 14 1998)

Section 160.100 Extensions--Renewals--Rebates

a) The obligor may prepay in full by cash, extension, renewal or otherwise at any time before maturity and shall be entitled to a refund in accordance with Section 7 of the Motor Vehicle Retail Installment Sales Act (Ill. Rev. Stat. 1981, ch. 121-1/2, par. 567) where a motor vehicle is the subject of a Retail Installment Contract and or in accordance with Section 7 of the Retail Installment Sales Act, Ill. Rev. Stat. 1981, ch. 121-1/2, par. 587, where the subject of the sale is as described in Section 2-1 of said Act whichever is applicable.

b) The holder of the contract may, if the obligor requests, renew or extend the maturity date of all or part of the contract for which the licensee may charge and collect a finance charge in accordance with Section 20 of the Retail Installment Sales Act or Section 19 of the Motor Vehicle Retail Installment Sales Act, whichever is applicable.

c) If the contract provides for precomputed interest, such a charge may be calculated as the difference between the rebate that would be required for prepayment in full as of the scheduled due date of the deferred installment and the rebate which would be required for prepayment in full as of one month prior to said date.

d) If the contract provides for precomputed interest, the "Sum of Digits" or "Rule of 78ths" is system-forms the basis for such calculation. The rebate for prepayment in full after extension charges have been levied must be larger than the rebate which otherwise would be required. For the purpose of computing rebates the number of elapsed months must be reduced by one month for each month

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for which an extension charge has been collected; and the number of months of prepayment must be increased by one month for each month for which an extension charge has been collected.

- e) The licensee may not charge an acquisition cost in computing rebates on prepayment in full following extension or renewal if such cost was included as an item in arriving at the net balance to be extended or renewed when the account was at any prior time renewed or extended.

- f) When a contract is prepaid in full, the obligor shall ~~debtor~~ must be advised as to the amount of the rebate of finance charge and unearned insurance premiums.

- g) Any applicable acquisition costs must be subtracted from the finance charge prior to applying the "Rule of 78ths" rebate.

(Source: Amended at 22 Ill. Reg. 13300, effective JUL 14 1998)

Section 160.110 Hypothecation of Security Instruments

- a) All instruments held by licensees as evidence of indebtedness may be pledged without the prior consent of the Department, except the pledgee must provide the Department, in writing, in a form satisfactory to the Department that the Director or his representatives may at any time examine the pledged instruments, and such pledgee shall also agree, in writing, to provide suitable working quarters for the examiner of the Department to make such examination.

- b) Should the records or documents of the accounts pledged be located outside of the geographic boundaries of the State of Illinois, the licensee must pay all of the expense of examination by the representatives of this Department, including travel, travel time, meals and lodging for each examiner conducting said examination in addition to the examination fees as specified in Section 160.230 of this Part.

- c) Each instrument hypothecated must bear the following endorsement:

"This instrument is non-negotiable in form but may be pledged as collateral security. If so pledged, any payment made to the pledgor, upon the debt evidenced by this obligation, shall be considered and construed as a payment on this instrument, the same as though it were still in the possession and under the control of the pledgor named herein; and the pledgee holding this instrument as collateral security hereby makes said pledgor its agent to accept and receive payments hereon, either of installments or charges."

(Source: Amended at 22 Ill. Reg. 13300, effective JUL 14 1998)

Section 160.120 Legal Forms

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- a) 1) All forms of contracts and assignments of wages furnished by the licensee to a retail seller in connection with a regulated transaction under the Sales Finance Agency Act are required to be submitted to the Department for review. Where the licensee or affiliate is engaged in the same business and licensed by this Department to engage in such business in another location, the use of identical forms in the a new location is shall not required to be submitted to the Department require review. Notice of intent to use identical forms (change of name excepted) should be provided the Department by the licensee.
b) 2) Should the licensee at any time following submission of the forms for review modify, change or enlarge the forms previously submitted, the forms as modified, changed or enlarged must shall be submitted to the Department for review.

- 3) the Department may notify the licensee within fifteen days following receipt of such forms concerning any objectionable feature therein contained. Pending review, the licensee shall have unrestricted right to furnish retifiers the said forms. No implication of approval or disapproval by the Department of any form filed with it and reviewed is to result from objections received from the Department or silence of the Department relative thereto.
b) Standard forms furnished by the Department shall be used in the following cases:
1) Application for original license
2) Application for annual renewal of license
3) Change of location

(Source: Amended at 22 Ill. Reg. 13300, effective JUL 14 1998)

Section 160.130 Judgments

- a) When an account has been reduced to judgment, the face of the account card must show the amount and date of the judgment. When judgment is taken before maturity, the same rebate of finance charge is required that would be required for prepayment in full on the date of the entry of judgment.

- b) All payments received shall be applied to the judgment balance and be properly identified. The rate of interest charged on a judgment balance must comply with current applicable statutes. No higher rate of interest or charge shall be assessed or accepted.

- c) The files of the licensee must contain statements signed by the attorney of record, judge or magistrate or clerk of the court setting forth the following items:

- 1) Date of judgment.
- 2) Copy of judgment Name of licensee.
- 3) Judgment debtors names.
- 3) 4) Date suit was filed.

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- 5) Nature-of-the-suit-
 6) Name-and-location-of-the-court-
 4) The amount of principal and the amount of charges for which judgment was taken.
 5) Attorneys fees if permitted by the terms of the instrument.
 6) Court costs.
 7) Amount of the judgment.
 1) Judgment-by-
 A) Default-
 B) Confession-
 C) Foreclosure-
 D) Contested-suit-
 12) Disposition-of-the-case-
 d) Court costs charged to the obligor borrower must be itemized and verified by receipts receipted-bills.
 e) Where property is foreclosed or sold pursuant to any judgment or judicial process, the file must contain a copy of the decree of judicial sale.
 f) If records related to the judgment are kept off-site, the licensee shall make these documents available from that site or return the records to the licensed location within 72 hours after the Department's request.

(Source; Amended at 22 Ill. Reg. 1360), effective JUL 14 1993

Section 160.140 Sale of Security

The following regulations shall be observed in the sale of security:

- a) When part or all of the collateral security is repossessed and/or sold, the fact must be noted on the account card.
 b) All credits from proceeds of the sale must be properly identified (whether by sale of security-etc.).
 c) The files of the licensee must contain:
 1) When possession of the security was obtained, and whether by voluntary or involuntary action.
 2) By When-and-how-sold-to public or private sale and date of sale.
 3) Evidence of compliance by licensee with the requirements provisions of Article 9 of the Uniform Commercial Code-Secured Transactions-111-Rev.-Stat.-1981-chr-267-par-9-101-et-seq-7 Section-26-of the Motor Vehicle Retail Installment Sales Act, Section-26-of the Retail Installment Sales Act and related statutes where applicable in the sale and disposition by a secured party of collateral after default, including copies of all notices directed to the obligor debtor-or-debtors as required therein or as required by any other law, statute or regulation, State or Federal.

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- 4) A report of condition of property at time of retaking.
 5) Copy of notice of intended sale which must contain notice of default, balance owing, date, place and time of public intended sale or the date after which a private sale may occur and-if public-or-private. Such notice must be forwarded to the obligor debtor-or-debtors-if-more-than-one by certified mail to the last known address of the obligor debtor-or-debtors.
 6) Signed receipts from the purchasers (or from the auctioneer if the sale is public), describing the property purchased, showing the amount paid for same and the name of the obligor debtor who executed the security agreement, and copies of any competitive bids if the sale is private.
 7) Copy of the statement of final accounting, original of which shall must have been sent to the obligor debtor after the sale, which statement shall set forth the sale price of the property, itemization of the costs of sale, and the deficiency balance due on the account, if any.
 8) When the property is abandoned and the address of the obligor debtor-or-debtors is uncertain or unknown, notice of sale and a statement of final accounting shall be sent to the last known address by registered or certified mail, return receipt requested.
 d) The following is the form or its equivalent to be used when collateral is sold:

STATE _____ CITY _____ DATE _____

This is to acknowledge that the undersigned did purchase for the sum of \$ _____

from the holder of a certain security agreement (Retail Installment Contract or Mortgage) executed by _____ and _____

on the _____ day of _____, 19 _____, the following described property:

(Describe fully)

SIGNATURE OF PURCHASER

- e) In connection with the sale after default of collateral property-given as-security for a debt, the licensee shall make only such charges for expenses incurred as are permitted by the applicable provisions of the Illinois statutes which charges must be reasonable, taking into consideration the nature of the security, the circumstances surrounding retaking and the sale, the fair market value of the collateral and the amount of the indebtedness. Such charges

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must be substantiated by paid receipts. The licensee may charge any necessary expense in connection with the retaking and sale of collateral chattels, including all expense incurred for by-way-of required repairs to restore the collateral chattels to a salable condition, and for mechanic's liens, storage liens, and similar liens occasioned by the obligor debtor.

(Source: Amended at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.150 Trouble File

A separate list or file shall be kept as a record of all sales, pertaining to foreclosures, reposessions, death claims on account of credit life insurance, and judgments.

(Source: Amended at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.160 Lien Charges

All official fees paid for the purpose of perfecting or releasing a security interest in property which may be the subject of a sale contract may be collected from the obligor debtor.

(Source: Amended at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.170 Insurance

a) Credit Life, Health and Accident:

Licensees and Sellers, at their option, may provide, but not require, decreasing term credit life insurance and credit accident and health insurance and make a charge therefor to the obligor buyer, providing the obligor buyer has indicated in a specific dated and separately signed statement that the coverage is not required by seller and obligor buyer desires the insurance coverage which is if included as a charge or paid by the obligor. It shall comply with Article XX-172 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, Ch. 73, par. 767-51 et seq.), as approved and amended, and all lawfully requirements of the Director of Insurance related thereto:

- 1) The licensee may provide joint credit life or joint credit accident and health insurance if both insured are obligated for the debt.
- 2) Charges and Rates: The maximum charge for credit life and credit accident and health insurance shall be as prescribed by the State of Illinois Department of Insurance (150-III-Adm-Code 951-59).

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- B) Each licensee shall deliver to the Department of Financial Institutions a schedule of the rates to be charged obligors together with copies of policies to be issued, as approved by the Department of Insurance. The terms and conditions of the policies shall be both fair and reasonable.
- 3) When an account is prepaid in full (except by the insurance) the obligor debtor shall must receive a refund of the unearned credit life, health and accident insurance charges. The required refund shall be computed according to the Rule of 78ths or the Sum of the Digits Method. When the refund of either credit life or credit accident and health premiums is less than \$1.00, no refund is required.

- 4) If the obligor dies during the term of the transaction, the life insurance, if any, shall pay the benefits due according to the terms of the policy. The obligor's obligors estate or next-of-kin shall be paid the difference amount due, if any, between the net unpaid balance and the insurance benefit paid. Evidence of this payment shall be maintained by the licensee.

- 5) For death claims on account of credit life insurance, the licensee shall keep in its office a separate record of accounts by the examiner. The account cards shall indicate the date of death and the refunds of finance charge and unearned insurance premiums paid to the next-of-kin or estate. The refund check or voucher number shall be available on demand.

b) Property Insurance:

- 1) Insurance against loss or damage to property, or liability arising out of ownership may be required of an obligor by the licensee.

- 2) The amount of insurance shall be only in the amount sufficient to cover the cash price of the item or items being financed.

- c) General: All insurance provided by a licensee for an obligor buyer must be issued by insurance companies licensed to do business in the State of Illinois and in full compliance with the applicable provisions of the Illinois Insurance Code and the Rules of the Department of Insurance.

- 1) No obligor shall be required to purchase any policy of insurance from any certain company, agent, broker or person as a condition precedent to the extension or renewal of an obligation.

- 2) Insurance for a period less than the full term may be agreed upon between the parties which agreement may be a part of the contract or separate instrument.

- 3) No licensee shall decline new or existing insurance which meets the standards set forth in the law, or prevent any obligor from obtaining insurance coverage from other sources. If such insurance is included in a transaction by the seller as agent, the licensee shall upon prepayment by the obligor notify the obligor and seller of the possibility of rebate due by reason of such prepayment and the amount of rebate so due.

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- 4) It shall be the licensee's responsibility to explain clearly to the obligor the type, cost, benefits and limitations of any insurance requested by licensee after acquisition of the account.
- 5) The licensee shall also deliver or cause to be delivered to the obligor a copy of the policy, or policies, certificate, or other evidence thereof acquired by the licensee in connection with the indebtedness.
- d) Credit life and credit accident and health insurance provided by a licensee may be cancelled within 15 days after of the date of the loan by written request of all parties to the obligation. In the event of such cancellation, the entire premium cost, if any, shall be refunded to the obligor(s) and such insurance shall then be void from its inception.

(Source: Amended at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.180 Office and Office Hours

Every licensee shall maintain a place of business to which the general public shall have free access and where all obligations entered into shall be payable.

- a) Except as authorized by the Department, each licensed office shall be open not less than three consecutive hours, between 8:00 A.M. and 6:00 P.M. on every business day, except Saturdays, Sundays and legal holidays, during the term of the license, and the licensee shall file with the Department a schedule of the hours during which he or it elects to keep such office open, provided that any licensee may keep his or its office open for any period he or it sees fit, in addition to the hours listed in such schedule.
- b) Whenever a licensee desires to change the schedule of hours during which the his-or-its office shall remain open, the licensee then-on file-with-the-Department, he-or-it may do so upon filing with the Department a new schedule setting forth the changes such-change-of time at least three days before the such change shall go into effect. The schedule Schedule of hours shall be prominently displayed in the licensee's place of business of-the-licensee.
- c) If any payment shall be due on any obligation to such licensee on any closed day, then such payment shall be considered of for all purposes, including the computation of interest or charges, as having been received on any closed day, if such payment shall be received, whether through the mails or otherwise, at any time before the closing of business on the next regular business day following such closed day.
- d) The license of each licensee and the license renewal certificate Annual-Renewal-Fee-Renewal-Certificate shall be prominently displayed and be-made-available-for-easy-reading-by-the-public in the licensee's place of business of-the-licensee.

(Source: Amended at 22 Ill. Reg. 13699, effective

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JUL 14 1998
Section 160.190 Advertising

- a) No licensee shall represent either orally or in writing, directly or indirectly, by any means whatsoever, including but not limited to, the use of any office sign (except its duly issued license) or the use and circulation of any letterheads, billheads, blank forms, notes, receipts, certificates, circulars or any written or printed or-partly written-or-printed matter whatever that it is licensed by or subject to the supervision of the Department, or the State of Illinois, except by use of the following phrase:

"Licensed by the State of Illinois pursuant to the Sales Finance Agency Act."

Provided, however, that the user or use-and circulation of any written or printed matter containing the foregoing phrase may only be in connection with the licensee's business as a Sales Finance Agency.

- b) The Neither--the licensee shall not nor-parent-or-subsidary corporation-or-any-person-holding-a-substantial-common-ownership-or-control-of-both-the-settler-and-the-Sales-Finance-Agency-may advertise in a false, misleading or deceptive manner or imply or indicate that the rates or charges for loans or extensions of credit are "approved", "set", or "established" by the State of Illinois or the Department Government-or-any-enactment.

(Source: Amended at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.200 Business Source and Affiliates

The licensee shall maintain in its permanent file the following:

- a) A Each--licensee-shall-keep-a list of all entities corporations, partnerships, proprietorships, and business-firms-of-any-sort with which the licensee regularly transacts business as a Sales Finance Agency. The licensee-shall-maintain-a-record-of-the-ownership-or-control-by-the-licensee-or-a-shareholder-partner-parent corporation-holding-company-or-monetary-affiliate-of-the-licensee-of 10%-or-more-proprietary-stock-beneficial-or-monetary-interest-in any-retail-settler-or-tender-with-whom-the-licensee-does-business pursuant-to-the-Sales-Finance-Agency-Act.
- b) The name of any person or other entity that has a 10% or greater ownership interest in the licensee. The-licensee-shall-maintain-a record-of-all-owners-or-holders-of-10%-or-more-of-the-stock-beneficial-or-monetary-interest-in-the-licensee-where-such-owner-or holder--its-parent-corporation-or-affiliate-or-any-retail-settler-or tender-owned, managed, and/or-controlled-by-such-owner-or-holder--does

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business--with--the--licensee--selling--or--conveying--to--the--licensee
 retail--charge--agreements--retail--contracts--or--evidence--of--indebtedness
 as--referred--to--in--the--Sales--Finance--Agency--Act--the--foregoing--may--be
 maintained--in--either--the--principal--office--or--each--licensed--office--
 c) The name of any entity in which the licensee has a 50% or greater
 ownership interest.

(Source: Amended at 22 Ill. Reg. 13699, effective
JUL 14 1998)

Section 160.210 Examination Communications and Remittances

- a) Licensees shall forward all examination remittances to the Department
 of Financial Institutions at any address designated by the Director.
 -All--licensees--shall--address--all--communications--to--and--forward--all
 remittances--to--DIVISION--OF--CONSUMER--CREDIT--DEPARTMENT--OF--FINANCIAL
 INSTITUTIONS,160-NORTH-BA-SABB-STRBET--CHICAGO--ILLINOIS 60601.
 b) All fees and charges shall be remitted in the form of a check, draft
 or money order to the order of "DIRECTOR OF FINANCIAL INSTITUTIONS".

(Source: Amended at 22 Ill. Reg. 13699, effective
JUL 14 1998)

Section 160.220 Credit Practices

No licensee while collecting or attempting to collect an alleged debt shall
 engage in any of the following acts:

- Using or threatening to use force or violence to cause physical harm
 to an obligor a-debtor, his family or his property.
- Threatening arrest or criminal prosecution when no basis for such
 action lawfully exists.
- Threatening the seizure, attachment and sale of an a obligor's
 property when such action can only be taken pursuant to court order
 unless disclosure is made that prior court proceedings are required.
- Disclosing or threatening to disclose information adversely affecting
 an obligor's reputation for credit worthiness with knowledge or reason
 to know such information is false.
- Threatening to initiate or initiating communication with an obligor's
 employer unless there has been a default in the payment of the
 obligation and at least 5 days prior written notice to the last known
 address of the obligor of the intent to communicate with the employer
 and except as expressly permitted by statute or court order.
- Communicating or threatening to communicate with an obligor or his
 family with such unreasonable frequency as to constitute harassment,
 or at times reasonably considered to be unusual hours or known to be
 inconvenient.
- Using profane, obscene or abusive language with an obligor or his
 family.

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- Disclosing or threatening to disclose information relating to an
 obligor's indebtedness to any other person except when such other
 person has a legitimate business need for the information.
- Disclosing or threatening to disclose information concerning the
 existence of a debt which the licensee knows to be reasonably disputed
 by the obligor without disclosing the fact that the debt is disputed.
- Attempting or threatening to attempt enforcement of a right or remedy
 with knowledge or reason to know that the right or remedy does not
 exist.
- Use of any form of communication simulating legal or judicial process
 which gives the appearance of being authorized, issued or approved by
 a governmental agency, official or attorney at law when it is not.
- Use of badges, uniforms, or other indicia of any governmental agency
 or official except as authorized by law.
- Misrepresenting the amount of the debt alleged to be owed.
- Representing that an alleged debt may be increased by the addition of
 attorney's fees, investigation fees or any other fees or charges when
 there is no contractual or statutory authorization for such addition.

(Source: Amended at 22 Ill. Reg. 13699, effective
JUL 14 1998)

Section 160.230 General

- The licensee shall keep in the licensed office a record of all
 transactions purchased from or sold to another affiliated or
 non-affiliated licensee until examined and released by the examiner.
- Notary fees shall not be charged to or collected from the obligor
 debtor.
- No licensee shall take any power of attorney except to cancel any
 policies of insurance financed by the licensee as permitted by the Act
 and to receive either rebate of unearned premiums or loss payments.
 except--to--acknowledge--the--execution--of--an--instrument--or--to--confess
 judgment.
- All books, records, files and account cards required by applicable
 State and Federal statutes and regulations the-Sales-Finance-Agency
 Act--the-Federal-Consumer-Credit-Protection-Act-and-the-Rules--of--the
 Department shall at all times be kept current up-to-date.
- No licensee shall transact business licensed under the Sales-Finance
 Agency Act under any other name or at any other place of business than
 that named in the license.
- Examination.

- The Department may examine all records and investigate any or-all
 transactions in any office of the licensee operating under the
 Sales--Finance-Agency Act, or at any other location where records
 or instruments of the licensee are situated to determine that the
 business complies with all applicable laws and regulations and
 shall charge the licensee \$100 \$100-00 for each examiner man day

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or portion thereof required to make and complete an examination or investigation of such licensee.

2) The examination of the books and records of the licensee may be conducted concurrently with the examination of any other business conducted by the licensee which is regulated or licensed by the Department. A separate charge shall be made for each examiner man day or portion thereof required to complete each examination as to each regulated or licensed business.

3) Should any part of the records or documents be located outside of the geographic boundaries of the State of Illinois, the licensee shall must pay all the expenses of examination by the representatives of the Department, including travel time meals and lodging for each examiner conducting said examination in addition to the examination fee above specified. Licensees and those otherwise regulated by the Sales Finance Agency Act shall file with the Department such written reports as the Department may from time to time consider necessary to the proper administration of the Sales Finance Agency Act.

h) No licensee shall knowingly purchase contracts from one who does either of the following:

1) In the course of the seller's business, employs a chain referral sales technique prohibited by Section 2-A of the Consumer Fraud and Deceptive Business Practices Act (Ill. Rev. Stat. 1907, ch. 121-1/2, par. 361 et seq.).

2) Uses a contract, a security instrument or other document which is not in conformance with the provisions of the Retail Installment Sales Act, Motor Vehicle Retail Installment Sales Act, the Federal Consumer Protection Act and all other applicable State related Illinois and Federal statutes Statutes and regulations where the same are applicable.

i) Whenever a licensee changes his place of business to a location other than that set forth in his license and the new location is in the same county, he shall submit his license to the Department for change of address ten (10) days before he intends to occupy new quarters. The relocation removal fee of \$50 \$25-00 shall accompany the license. If the new location relocation is not within the same county, the licensee shall follow the same procedure as stated above. A new license must be obtained, the application and fee for which shall be as provided in Section 5 of the Sales Finance Agency Act.

j) Except as provided herein and as contained in the Sales Finance Agency Act, the licensee may not charge the obligor debtor a loan fee, points, finders fee, service fee, transaction fee, activity fee, appraisal fee, investigation fee, credit report form or any such similar charge or fee.

k) Contract Provisions Each licensed office shall have on file or accessible for reference current copies of the Sales Finance Agency Act, the Rules of this Department pertaining to said Act, the Motor Vehicle Retail Installment Sales Act, the Retail Installment Sales Act

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and all Federal laws and Regulations pertaining to the Federal Consumer Credit Protection Act applicable to the conduct of business by the licensee.

1)

When a licensee owns a substantial interest in the business of a retail seller from whom such licensee purchases a contract, agreement or other evidence of indebtedness such document shall clearly reflect such relationship in the following language:

"The retail buyer hereunder has been informed by the retail seller that his contract will be sold and assigned by the retail seller to, (a) licensed Sales Finance Agency) and that the said Sales Finance Agency has a substantial interest in the business of the retail seller and that pursuant to law the retail buyer may assert all defenses equally against the retail seller and said (a) Sales Finance Agency."

2) The foregoing legend shall be printed, typed or otherwise placed on the sales contract, agreement or other evidence of indebtedness, in a size and style equal to 8 point bold type.

m) Pursuant to Section 9-1 of the Sales Finance Agency Act request for a hearing subsequent to an order of denial of a license shall be accompanied by a surety in which the applicant shall be the obligor in the amount of \$500 guaranteeing payment of costs of such hearing. This surety may be in the form of a bond, deposit in cash or certified checks payable to the Director of the Department of Financial Institutions, and shall be returned to the petitioner on proof of payment of costs. If costs are not paid within 30 days of the conclusion of the hearing, the Director may authorize the payment from the surety, returning any balance to the petitioner. No licensee shall discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction.

l) All notices by the Department required under the Act or this Part shall be deemed to be served when a copy is deposited in the United States mail.

m) All applications, forms, and any other documents required to be filed or submitted under the Act or this Part shall be verified as to their truth and accuracy.

(Source: Amended 1998 22 Ill. Reg. 13099, effective 1998)

Section 160.240 Hearing Procedures

a) Hearings

After receipt of a written request for a hearing, the Director shall

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send to the respondent requesting the hearing, by certified mail, at least 10 days prior to the date set for such hearing, a Notice of Hearing. The Notice shall include the date and the time and place of the hearing to review the propriety of any administrative actions made pursuant to the Act.

b) The Director may designate, in writing, a Hearing Officer who shall have the minimum qualifications of being licensed to practice law in Illinois. A Hearing Officer may be disqualified based on bias or conflicts of interest. The Hearing Officer shall have the authority to:

- 1) Examine or permit examination of any witness under oath;
- 2) Determine the order of appearance of all parties;
- 3) Receive all evidence and testimony and rule on its admissibility as well as require the production of any relevant document or witness;
- 4) Rule on objections to evidence;
- 5) Make a written report with recommendations to the Director which shall include findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and
- 6) Require any party or his attorney to provide proposed findings of fact or conclusions of law for consideration in his report.

c) General Provisions

1) Delivery of notice shall be deemed complete when the Notice is deposited in the U.S. mail.

2) A continuance shall be granted for good cause by the Hearing Officer which shall be:

- A) In writing and signed by the respondent or his attorney and shall state the reasons for the request.
- B) Delivered to the Hearing Officer at least three days prior to the scheduled hearing.

For the purposes of this subsection (c)(2), good cause shall require the respondent to demonstrate real and compelling need for additional time. It shall include, but not be limited to, illness, service in the armed forces, etc.

3) The respondent shall bear any and all costs of the hearing.

4) A court reporter will be present and considered as part of the costs of the hearing.

d) Conduct of Hearings

1) The Hearing Officer shall open the hearing by presenting for the record his letter of authorization from the Director.

2) The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. The Hearing Officer may admit evidence not admissible under such rules if such evidence may be relevant to the case.

3) The Hearing Officer may, on his own motion or the motion of one of the parties, take notice of matters of which the circuit courts of this State may take judicial notice. Notice may be

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taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed. The burden of opposing any material admitted upon notice shall be upon the party so opposing.

4) Failure to attend the hearing shall result in the dismissal of the respondent's petition and an entry of a default against the respondent. Within 30 days from dismissal of the respondent's petition, the respondent may petition the Hearing Officer for reconsideration if the respondent can establish that his failure to attend was caused by events beyond his control and he exercised due diligence to attend or seek a continuance.

5) The record of any hearing shall include:

- A) All pleadings, and evidence received whether admitted or excluded;
- B) A statement of all matters officially noticed;
- C) All offers of proof, objections and rulings thereon;
- D) All proposed findings and exceptions;
- E) Any decision, opinion, or report by the Hearing Officer;
- F) Any evidence excluded by the Hearing Officer, even though such evidence is not used in the determination of the decision;
- G) A proceeding transcript which shall be recorded by such means as to adequately ensure the preservation of the testimony.
- 6) Within 60 days after the hearing or the receipt of all necessary documents, the Hearing Officer shall report to the Director.
- 7) Within 30 days after receiving the report of the Hearing Officer, the Director shall issue his decision, which shall be served on the respondent by registered or certified mail, return receipt requested. Copies of the Hearing Officer's report to the Director are available upon written request.

e) Petition to Reconsider

1) Within 30 days after receipt of the Director's decision, the respondent may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the preponderance of the evidence, was contrary to law, or was arbitrary or capricious, or is affected by newly discovered evidence not in existence at the time of the initial hearing or which could not have been discovered using due diligence at that time.

2) The Director shall determine within 15 days whether to reconsider the case. If the Director determines, after reading the affidavit, that one or more of the findings listed in subsection (e)(1) exists a hearing may be held and shall be limited to only those issues raised in the petition to reconsider. If reconsideration is denied, the Director's initial decision shall

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be the final administrative decision of the Department.

(Source: Added at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.250 Servicing of Accounts by Contract

Upon prior approval of the Director, the licensee may contract for servicing of accounts. A request for the Director's approval shall be in writing and include the following:

- a) Name and address of proposed servicer.
- b) Executed contract, conditioned upon approval by the Director, between licensee and servicer.
- c) Contact person and telephone number of the servicer.
- d) A statement that the licensee will make all books, records and account information readily available for examination by the Department.
- e) A statement that the licensee shall pay all examination expenses.
- f) Written consent of servicer for the Department to conduct its examination.

(Source: Added JUL 14 1998 at 22 Ill. Reg. 13699, effective JUL 14 1998)

Section 160.260 Off-site Records

Upon prior written approval of the Director a licensee may retain records at a location other than the licensed facility. A request for the Director's approval shall be in writing and include the following:

- a) Address of proposed off-site location.
- b) Contact person and telephone number at the proposed off-site location.
- c) Statement that all books, records and account information will be made available within 72 hours after the Department's request at either the licensed facility or the off-site location.
- d) A statement that, at the Director's discretion, an examination may be conducted at either the licensed facility or the off-site facility.
- e) A statement that the licensee shall pay for all examination expenses.

(Source: Added JUL 14 1998 at 22 Ill. Reg. 13699, effective JUL 14 1998)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Mobile Sources

2) Code Citation: 35 Ill. Adm. Code 240

<u>Section Number:</u>	<u>Adopted Action:</u>
240.102	Amended
240.104	Amended
240.105	Amended
240.106	Amended
240.107	Amended
240.162	Amended
240.163	Amended
240.164	Amended
240.165	New
240.171	Amended
240.172	Amended
240.173	Repealed
240.181	New
240.182	New
240.183	New
240.191	New
240.192	New
240.193	New
240. Table A	Amended
240. Table B	Amended
240. Table C	New

4) Statutory Authority: Implementing 625 ILCS 5/13B-20 and authorized by 415 ILCS 5/28.5.

5) Effective Date of Amendments: July 13, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. The amendments contain one incorporation by reference found at Section 240.107.

8) A copy of these adopted amendments are on file in Secretary of State's Principal Office and is available for public inspection.

9) Notice of proposal published in Illinois Register: 22 Ill. Reg. 2720 (February 6, 1998)

10) Has JCAR issued a statement of objection to these rules? No

11) Differences between proposal and final version:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Added definition in Section 240.102 defining "Agency."
Corrected cross-references to other subsections in Sections 240.105 and 240.106.

Retained address for incorporation by reference at Section 240.107(c).

At Section 240.164, changed "specified" to "that will be adopted by the Agency."

In Section 240.172, deleted "+ 0.3," "+ 3," and "+ 3." In Section 240.191, deleted "This shall be an advisory test only;" changed "240.192 shall" to "do" and added "until January 1, 2001" before the period.

In Section 240.183, changed "exceedance" to "exceedence."

In Section 240.192, deleted comma after "codes"; deleted unnecessary reference "as defined by SAE J2012"; deleted "OBD" and added "on-board diagnostic."

In Section 240.193, changed "0.553" to "0.530."

In Section 240.194, changed various values for seconds 222 through 239.

In Section 240.195, changed various values for seconds 194 through 239.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed discussion of these rules appears in the Board's July 8, 1998, final opinion and order in Docket R98-24.

Sections 182(b) and (c) of the Clean Air Act Amendments of 1990 (42 USC Section 7582(b), (c) (1990)) require the use of vehicle inspection and maintenance programs in areas not meeting National Ambient Air Quality Standards for ozone and/or carbon monoxide. The Illinois Environmental Protection Agency and the Board are required by the Vehicle Emissions Inspection Law [625 ILCS 5/13B] to adopt all the measures listed therein for the establishment and implementation of enhanced I/M program.

The adopted rules contain emission standards for a portion of the enhanced

POLLUTION CONTROL BOARD

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vehicle emissions inspection and maintenance program in the Chicago and East St. Louis ozone nonattainment areas. Specifically, the rules: (1) replace the current evaporative system testing program (which uses a pressure test and a purge test to test the entire system's integrity) with a fuel-cap-only inspection; (2) add "fast-pass" standards to allow vehicles undergoing I/M 240 exhaust emissions tests to be tested more quickly, saving time and money; (3) add standards for the required on-road sensing test; (4) and add a program for on-board diagnostic testing that will become mandatory on January 1, 2001.

16) Information and questions regarding the adopted amendments shall be directed to:

Amy Muran Felton, Attorney
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-7011

Request for copies of the rules or the Board's July 8, 1998, opinion and order should be addressed to Victoria Ageman, at 312-814-3620 or at the above address and should reference Docket R98-24.

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER K: EMISSION STANDARDS AND LIMITATIONS
FOR MOBILE SOURCES

PART 240

MOBILE SOURCES

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section

240.101

Preamble

240.102

Definitions

240.103

Prohibitions

240.104

Inspection

240.105

Penalties

240.106

Determination of Violation

240.107

Incorporations by Reference

Section

240.121

Smoke Emissions

240.122

Diesel Engine Emission Standards for Locomotives

240.123

Liquid Petroleum Gas Fuel Systems

240.124

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Heavy-Duty Diesel Vehicle Smoke Opacity Standards and Test Procedures

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240.164 Vehicle Exhaust Emission Fast-Pass Standards Compliance-Determination
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SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

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APPENDIX A

Rule into Section Table

APPENDIX B

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TABLE A

Vehicle Exhaust Emission Start-Up Standards

TABLE B

Vehicle Exhaust Emission Final Standards

TABLE C

Vehicle Exhaust Emission Fast-Pass Standards

AUTHORITY: Implementing Sections 9, 10 and 13 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 10, 13, 27, and 28.5] and Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] (see Section 10 of P.A. 90-475, effective August 16, 1997).

SOURCE: Adopted as Chapter 2: Air Pollution, Part VII: Mobile Sources, filed and effective April 14, 1972; codified at 7 Ill. Reg. 13628; amended in R85-25, at 10 Ill. Reg. 11277, effective June 16, 1986; amended in R90-20 at 16 Ill. Reg. 6184, effective April 7, 1992; amended in R94-20 at 18 Ill. Reg. 18013, effective December 12, 1994; amended in R94-19 at 18 Ill. Reg. 18228, effective December 20, 1994; amended in R98-24 at 22 Ill. Reg. 13123, effective JUL 13 1998.

BOARD NOTE: This Part implements the Environmental Protection Act as of July 1, 1994.

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

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Section 240.102 Definitions

All terms which appear in this Part have the definitions specified in this Part and 35 Ill. Adm. Code 201 and 211. Where conflicting definitions occur, the definitions of this Section apply in this Part.

"Agency" means the Illinois Environmental Protection Agency.

"Diesel engine" means all types of internal-combustion engines in which air is compressed to a temperature sufficiently high to ignite fuel injected directly into the cylinder area.

"Diesel locomotive" means a diesel engine vehicle designed to move cars on a railway.

"Evaporative system integrity test" means a test of a vehicle's evaporative system. The test shall either consist of a leak check of a vehicle's fuel cap with a fuel cap pressure decay tester (fuel cap pressure decay test), a fuel cap leak flow tester (fuel cap leak flow test), or a visual functional check, as applicable.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means a test which may be performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Fuel cap leak flow tester" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Fuel cap pressure decay test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Fuel cap pressure decay tester" means a device used to determine the pressure decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel cap for a ten second period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

"Fuel cap visual functional test" means the test performed in accordance with this Part on a vehicle's fuel cap using visual analysis to determine whether the vehicle complies with the evaporative system emission standards of this Part.

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"Full power position" means the throttle position at which the engine fuel delivery is at maximum flow.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"Heavy duty vehicle" means any motor vehicle rated at more than 8500 pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in excess of 45 square feet.

"High idle" means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at speed of 2500 ± 300 RPM that--portion--of--a steady-state-idle-test--conducted-with-the-engine-operating-at-a-speed of-approximately-2500-RPM-

"Idle mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Light duty truck 1" means a motor vehicle rated at 6000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2" means a motor vehicle rated between 6001 and 8500 pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or fewer.

"Loaded mode" means that portion of a vehicle emission test procedure conducted with the vehicle positioned and operating under load on a chassis dynamometer.

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"Loaded vehicle weight (LVW)" means the vehicle curb weight plus 300 pounds.

"Measured values" means five second running averages of exhaust emission concentrations sampled at a minimum rate of twice per second.

"Model year" means the year of manufacture of a motor vehicle based upon the annual production period as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture.

"Motor vehicle" as used in this Part, shall have the same meaning as in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146].

"Preconditioning mode" means a period of steady-state loaded mode or high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failures caused by improper or insufficient warm-up.

"Pressure test" means a test of a vehicle's evaporative emission control system to verify the system's integrity by identifying the presence of system leaks by injecting an inert gas into the system and confirming the system's ability to hold pressure over a specified period of time.

"Purge test" means a test of the vehicle's evaporative emission control system to determine the ability of the system to properly recycle gasoline vapors captured and adsorbed on the charcoal in the system's canister. The purge test consists of determining the volume of vapor flow between the canister and the engine as measured during the course of the transient loaded (IM240) exhaust emissions test.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Smokemeter or opacimeter" means an optical instrument designed to measure the opacity of smoke or diesel exhaust gases using the light extinction method.

"Snap-idle cycle" means rapidly depressing the accelerator pedal from normal idle to the full power position while the vehicle is in neutral, holding the pedal in the position for no longer than ten seconds or until the engine reaches maximum RPM, and fully releasing

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the pedal so that the engine decelerates to normal idle.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or high idle preconditioning mode and a second-chance idle mode.

"Tier I" means the exhaust emission standards required by the Clean Air Act as amended in 1990 that require auto-makers to reduce tailpipe emissions of hydrocarbons and oxides of nitrogen by 35% and 60% respectively from pre-existing standards beginning with 48% of the vehicles sold in 1994, 80% in 1995, and 100% thereafter.

"Transient loaded mode test" means a vehicle emissions test run on an inertial and power absorbing dynamometer using USEPA's IM240 driving cycle consisting of accelerations and decelerations simulating on-road driving conditions.

"Test Procedure" means the preparation, preconditioning, sequence, and smoke opacity measurement processes using the snap-idle cycle for determining compliance with Section 240.114.

"Two-speed idle test" means a vehicle emission test procedure consisting of the measurements of exhaust emission in high-idle and idle modes.

(Source: Amended at 22 Ill. Reg. 107.20, effective JUL 13 1998)

Section 240.104 Inspection

a) All motor vehicles subject to inspection pursuant to Section 13A-104 of the Vehicle Emissions Inspection Law [625 ILCS 5/13A-104] shall comply with the exhaust emission standards for carbon monoxide and hydrocarbons set forth at Section 240.124 of this Part.

b) All motor vehicles subject to inspection pursuant to Section 13B-15 of the Vehicle Emissions Inspection Law [625 ILCS 5/13B-15] shall comply with applicable vehicle emission standards contained in Sections 240.152, 240.162, 240.163, 240.172, 240.182 and 240.192 of this Part.

All motor vehicles subject to inspection pursuant to Section 13A-104 of the Illinois Vehicle Emissions Inspection Law [625 ILCS 5/13A-104] shall comply with the exhaust emission standards for carbon monoxide and hydrocarbons set forth at Section 240.124 of this Part. All motor vehicles subject to inspection pursuant to Section 13B-15 of the Illinois Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-15] (see P.A. 88-533) effective January 19, 1994, shall comply with applicable vehicle emission standards contained in Sections 240.152, 240.162, 240.163, 240.172, and 240.173 of this Part.

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(Source: Amended at 22 Ill. Reg. 13723, effective JUL 13 1998)

Section 240.105 Penalties

- a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be subject to the penalties as set forth in Section 42 of the Act [415 ILCS 5/42].
- b) Any violations of Sections 240.104(a) 240.104 and 240.124 of this Part shall be subject to the penalties as set forth in Sections 13A-112 and 13A-113 of the Vehicle Emissions Inspection Law [625 ILCS 5/13A-112 and 13A-113].
- c) Any violations of Sections 240.104(b), 240.152, 240.162, 240.163, 240.172, 240.182, and 240.192 240.173 of this Part shall be subject to the penalties as set forth in Sections 13B-55 and 13B-60 of the Vehicle Emissions Inspection Law of-1995.
- (Source: Amended at 22 Ill. Reg. 13723, effective JUL 13 1998)

Section 240.106 Determination of Violation

- a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be determined by visual observation or by a test procedure employing an opacity measurement system as qualified by 35 Ill. Adm. Code 201, Subpart J.
- b) Any violations of Sections 240.124, 240.152, 240.162, 240.163, 240.172, 240.182, or 240.192 240.173 of this Part shall be determined in accordance with test procedures adopted by the Agency in 35 Ill. Adm. Code 276.

(Source: Amended at 22 Ill. Reg. 13723, effective JUL 13 1998)

Section 240.107 Incorporations by Reference

The following materials are incorporated by reference and include no later editions or amendments:

- Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096: Report J255a Diesel Engine Smoke Measurement (August 1978).
- International Standards Organization (ISO), Case Postale 56, 1211 Geneva 20, Switzerland: ISO 393 (Working Draft, January 1991). Also available from American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036.
- United States Environmental Protection Agency (USEPA), "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System

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Tests, Revised Technical Guidance," Report EPA-AA-RSPD-IM-96-1 (June 1996), 2565 Plymouth Road, Ann Arbor, MI 48105. Report EPA-AA-BPSP-IM-93-17---High-Tech---IM---Test---Procedures---Emission Standards---Quality Control Requirements---and Equipment---Specifications (April-1994).

(Source: Amended at 22 Ill. Reg. 13723, effective JUL 13 1998)

SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

Section 240.162 Vehicle Exhaust Emission Start-Up Standards

Vehicle exhaust emission start-up standards contained in Section 240.162 of this Part shall apply for all vehicles subject to inspection until two years after the beginning of IM240 testing. December-31-1997. Tier-1 standards shall apply to all model-year-1996-and-newer-vehicles-and-model-year-1994-and-newer-vehicles-certified-to-tier-1-standards. All standards are expressed in grams per mile (gpm).

(Source: Amended at 22 Ill. Reg. 13723, effective JUL 13 1998)

Section 240.163 Vehicle Exhaust Emission Final Standards

Vehicle exhaust emission final standards contained in Section 240.163 of this Part shall apply for all vehicles subject to inspection beginning at the conclusion of testing using the start-up vehicle exhaust emissions standards required in Section 240.162. on January-17-1998. Tier-1 standards shall apply to all model-year-1996-and-newer-vehicles-and-model-year-1994-and-newer-vehicles-certified-to-tier-1-standards. All standards are expressed in grams per mile (gpm).

(Source: Amended at 22 Ill. Reg. 13723, effective JUL 13 1998)

Section 240.164 Vehicle Exhaust Emission Fast-Pass Standards Compliance Determination

Vehicle exhaust emissions fast-pass standards contained in Section 240.164 of this Part will apply for all vehicles subject to inspection under Section 240.161 of this Part utilizing the IM240 transient loaded mode exhaust emission test procedures that will be adopted by the Agency in 35 Ill. Adm. Code 276. All standards are expressed as the cumulative grams for each second of the composite and Phase 2 tests.

(Source: Old Section 240.164 renumbered to Section 240.165 and new Section 240.164 added at 22 Ill. Reg. 13723, effective

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JUL 13 1998Section 240.164165 Compliance Determination

- a) Vehicle Exhaust Emission Start-Up and Final Standards - Compliance shall be determined based upon the measurement of exhaust emissions while operating the vehicle on a dynamometer and following the driving cycle as specified for the transient IM240 test procedures adopted by the Agency. If the corrected, composite emission rates exceed standards for any pollutant, additional analysis of test results shall review the second phase ("Phase 2") of the driving cycle separately. Phase 2 shall include second 94 through second 239 of the driving cycle. Second-by-second emission rates in grams and composite emission rates in grams per mile for Phase 2 and for the entire composite test shall be recorded for each pollutant. For any given pollutant, if the composite emission level is at or below the composite standard or if the Phase 2 grams per mile emission level is at or below the applicable Phase 2 standard, then the vehicle shall pass the test for that pollutant. Composite and Phase 2 emission rates shall be calculated in accordance with procedures specified in "High-Tech I/M Procedures, Emissions Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance," incorporated by reference at Section 240.107 of this Part.

- b) Vehicle Exhaust Emission Fast-Pass Standards - Compliance will be determined based upon the measurement of exhaust emissions while operating the vehicle on a dynamometer and following the driving cycle as specified for the transient IM240 test procedures adopted by the Agency. Vehicles will be fast-passed using the following algorithm:

- 1) Beginning at second 30 of the driving cycle, cumulative second-by-second emission levels for each second, calculated from the start of the cycle in grams, will be compared to the cumulative fast-pass emission standards for the second under consideration. Beginning at second 109, fast-pass decisions are based upon analysis of cumulative emissions in Phase 2, the portion of the test beginning at second 94, as well as emission levels accumulated from the beginning of the composite test.
- 2) A vehicle will pass the transient IM240 test for a given pollutant if either of the following conditions occurs:
 - A) cumulative emissions of the pollutant are below the full cycle fast-pass standard for the second under consideration; or
 - B) at second 109 and later, cumulative Phase 2 emissions are below the Phase 2 fast-pass standards for the second under consideration.
- 3) Testing may be terminated when fast-pass criteria are met for all subject pollutants in the same second.
- 4) If a fast-pass determination cannot be made for all subject

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pollutants before the driving cycle ends, the pass/fail determination for each component will be based on composite or Phase 2 emissions over the full driving cycle according to the procedures in subsection (a) of this Section. In cases where fast-pass standards are not used, composite emission rates in grams per mile for Phase 2 and for the entire composite test will be recorded for each pollutant.

- 5) Composite and Phase 2 emission rates will be calculated in accordance with procedures specified in "High-Tech I/M Procedures, Emissions Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance" incorporated by reference at Section 240.107 of this Part.

(Source: Renumbered from Section 240.164 and amended at 22 Ill. Reg. 13723, effective JUL 13 1998)

SUBPART F: EVAPORATIVE TEST STANDARDS

Section 240.171 Applicability

- a) The standards of Section 240.172 of this Subpart shall apply to all model year 1968 and newer vehicles required at the time of manufacture to be equipped with evaporative emission control systems.

- b) The standards of Section 240.173 of this Subpart shall apply to model year 1991 and newer light-duty vehicles, light-duty trucks, and light-duty trucks that are inspected utilizing the transient-loaded mode-exhaust emission test procedures adopted by the Agency.

(Source: Amended at 22 Ill. Reg. 13723, effective JUL 13 1998)

Section 240.172 Evaporative System Integrity Pressure Test Standards

Vehicles subject to evaporative system integrity testing shall fail the evaporative system integrity test if one of the following occurs:

- a) Fuel Cap Pressure Decay Standards - While tested using the fuel cap pressure decay tester, the pressure decays by 6 inches of water or more during a 10 second period after being pressurized to 28 ± 1 inches of water column; the vehicles shall be inspected utilizing an evaporative system pressure test adopted by the Agency.
- b) Fuel Cap Leak Flow Test Standards - While tested using the fuel cap leak flow tester, the fuel cap leak flow rate exceeds 60 cc/min at a pressure of 30 ± 1 inches of water column. Determination will be made by comparing the fuel cap's measured leak flow rate with the flow rate obtained from a calibrated master orifice with a National Institute of Standards and Technology traceable flow rate which will result in a pass/fail flow rate threshold of 60 cc/min of air at 30 ± 1 inches of

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Section 240.182 On-Road Remote Sensing Emission Standards

Exhaust emissions from all subject vehicles and trucks shall not exceed the following limitations:

Model Year	Hydrocarbons (ppm)	Carbon Monoxide (\$)
1992+	400	2.0
1988-1991	450	3.0
1981-1987	650	5.0
1975-1980	1300	7.0
1968-1974	1700	8.0

(Source: Added at 22 Ill. Reg. 13723, effective JUL 13 1998)

Section 240.183 Compliance Determination

Compliance shall be determined based upon the measurement of exhaust emissions using the on-road remote sensing test procedures adopted by the Agency. If, during the course of on-road inspections, a vehicle is found to exceed the on-road remote sensing emission standards specified in Section 240.182 for the model year and type of vehicle, the Agency shall send a notice to the vehicle owner of the violation, which notice will include the time and location of the reading. The notice of a second on-road remote sensing exceedance shall, in addition to the information contained in the first notice, indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up inspection at an official inspection station. In no case shall the Agency send a notice of an on-road exceedance to the owner of a vehicle that was found to exceed the on-road remote sensing emission standards if the vehicle is registered outside the affected counties.

(Source: Added at 22 Ill. Reg. 13723, effective JUL 13 1998)

SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS

Section 240.191 Applicability

The standards of this Subpart apply to all 1996 and newer model year light duty vehicles, light duty trucks 1, and light duty trucks 2 that are required to meet the standards contained in 40 CFR 86.094-17 and which are inspected utilizing the on-board diagnostic test procedures that will be adopted by the Agency in 35 Ill. Adm. Code 276. Vehicles that receive a result of fail do not thereby fail their emissions test until January 1, 2001.

(Source: Added at 22 Ill. Reg. 13723, effective

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water column; or the vehicle shall fail the evaporative system pressure test if one of the following occurs:

c) Visual Functional Test Standards - While tested using the visual functional test, an inspection of the fuel cap reveals one or more of the following:

- 1) a missing fuel cap;
 - 2) a missing or damaged O-ring, gasket, or seal;
 - 3) missing or damaged threads, flanges, prongs, or other parts used to secure the fuel cap to the fuel tank filler neck; and/or
 - 4) cracks, holes, or other visible forms of tampering or damage.
- 1) The system cannot maintain a system pressure above eight inches of water for up to two minutes after being pressurized to 14 plus or minus 0.5 inches of water;
- 2) No pressure drop is detected when the gas cap is loosened;
 - 3) The fuel vapor storage canister is missing or obviously damaged;
 - 4) System vapor lines or hoses are missing or obviously disconnected; or
 - 5) The gas cap is missing.

BOARD NOTE: Derived from 40-CFR-51-357(b)(3)(i)-(1993):

(Source: Amended at 22 Ill. Reg. 13723, effective JUL 13 1998)

Section 240.173 Evaporative System Purge Test Standards (Repealed)

- a) The vehicle shall be inspected utilizing the evaporative system-purge test adopted by the Agency;
- b) The vehicle shall fail the evaporative system-purge test if the canister-purge system flow as measured during the course of the transient exhaust emission test is less than one liter.

BOARD NOTE: Derived from 40-CFR-51-357(b)(3)(i)-(1993):

(Source: Repealed at 22 Ill. Reg. 13723, effective JUL 13 1998)

SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

Section 240.181 Applicability

The standards of this Subpart apply to all vehicles which are inspected utilizing the on-road remote sensing exhaust emission test procedures that will be adopted by the Agency in 35 Ill. Adm. Code 276.

(Source: Added at 22 Ill. Reg. 13723, effective JUL 13 1998)

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JUL 13 1998Section 240.192 On-Board Diagnostic Test Standards

Vehicles subject to on-board diagnostic testing shall fail the on-board diagnostic test if one of the following occurs:

- a) the vehicle connector is missing, has been tampered with, or is otherwise inoperable;
- b) the malfunction indicator light is commanded to be illuminated and it is not visually illuminated according to visual inspection; or
- c) the malfunction indicator light is commanded to be illuminated and any of the following on-board diagnostic codes are present (where X refers to any digit):

- 1) Any PX1XX Fuel and Air Metering codes
- 2) Any PX2XX Fuel and Air Metering codes
- 3) Any PX3XX Ignition System or Misfire codes
- 4) Any PX4XX Auxiliary Emission Controls codes
- 5) P0500 Vehicle Speed Sensor Malfunction
- 6) P0501 Vehicle Speed Sensor Range/Malfunction
- 7) P0502 Vehicle Speed Sensor Circuit Low Input
- 8) P0503 Vehicle Speed Sensor Intermittent/Erratic/High
- 9) P0505 Idle Control System Malfunction
- 10) P0506 Idle Control System RPM Lower Than Expected
- 11) P0507 Idle Control System RPM Higher Than Expected
- 12) P0510 Closed Throttle Position Switch Malfunction
- 13) P0550 Power Steering Pressure Sensor Circuit Malfunction
- 14) P0551 Power Steering Pressure Sensor Circuit Malfunction
- 15) P0552 Power Steering Pressure Sensor Circuit Low Input
- 16) P0553 Power Steering Pressure Sensor Circuit Intermittent
- 17) P0554 Power Steering Pressure Sensor Circuit Intermittent
- 18) P0560 System Voltage Malfunction
- 19) P0561 System Voltage Unstable
- 20) P0562 System Voltage Low
- 21) P0563 System Voltage High
- 22) Any PX6XX Computer and Output Circuits codes
- 23) P0703 Brake Switch Input
- 24) P0705 Transmission Range Sensor Circuit Malfunction (PRNDL Input)
- 25) P0706 Transmission Range Sensor Circuit Range/Performance
- 26) P0707 Transmission Range Sensor Circuit Low Input
- 27) P0708 Transmission Range Sensor Circuit High Input
- 28) P0709 Transmission Range Sensor Circuit Intermittent
- 29) P0719 Torque Converter/Brake Switch "B" Circuit Low
- 30) P0720 Output Speed Sensor Circuit Malfunction
- 31) P0721 Output Speed Sensor Circuit Range/Performance
- 32) P0722 Output Speed Sensor Circuit No Signal
- 33) P0723 Output Speed Sensor Circuit Intermittent
- 34) P0724 Torque Converter/Brake Switch "B" Circuit High
- 35) P0725 Engine Speed Input Circuit Malfunction

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- 36) P0726 Engine Speed Input Circuit Range/Performance
- 37) P0727 Engine Speed Input Circuit No Signal
- 38) P0728 Engine Speed Input Circuit Intermittent
- 39) P0740 Torque Converter Clutch System Malfunction
- 40) P0741 Torque Converter System Performance or Stuck Off
- 41) P0742 Torque Converter System Stuck On
- 42) P0743 Torque Converter System Electrical
- 43) P0744 Torque Converter System Intermittent

(Source: Added at 22 Ill. Reg. 13723, effective JUL 13 1998)

Section 240.193 Compliance Determination

Compliance shall be determined based upon the inspection of the on-board diagnostic vehicle connector, malfunction indicator light, and fault codes using the on-board diagnostic test procedures that will be adopted by the Agency in 35 Ill. Adm. Code 276.

(Source: Added at 22 Ill. Reg. 13723, effective JUL 13 1998)

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Section 240.TABLE A Vehicle Exhaust Emission Start-Up Standards

Light Duty Vehicles:

Model Years	Hydrocarbons Composite (gpm)	Carbon Monoxide Phase 2 Composite (gpm)	Oxides of Nitrogen Phase 2 Composite (gpm)
1983-1990 1996+	0.80	15.0	2.0
1991-1995	1.20	20.0	2.5
1983-1990	2.00	30.0	3.0
1981-1982	2.00	60.0	3.0

Light Duty Trucks 1:

Model Years	Hydrocarbons Composite (gpm)	Carbon Monoxide Phase 2 Composite (gpm)	Oxides of Nitrogen Phase 2 Composite (gpm)
1983-1990 1996+	0.80	15.0	2.0
(≤ 3750 LVW)	0.63	20.0	2.5
(> 3750 LVW)	1.00	60.0	3.0
1991-1995	2.40	80.0	3.5
1988-1990	3.20	80.0	7.0
1984-1987	3.20	80.0	7.0
1981-1983	7.50	100.0	7.0

Light Duty Trucks 2:

Model Years	Hydrocarbons Composite (gpm)	Carbon Monoxide Phase 2 Composite (gpm)	Oxides of Nitrogen Phase 2 Composite (gpm)
1983-1990 1996+	1.00	20.0	2.5
(≤ 5750 LVW)	1.50	60.0	4.0
(> 5750 LVW)	2.40	80.0	5.0
1991-1995	2.40	80.0	7.0
1988-1990	3.20	80.0	7.0
1984-1987	3.20	80.0	7.0
1981-1983	7.50	100.0	7.0

(Source: Amended at 22 Ill. Reg. 13720, effective JUL 13 1998)

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Section 240.TABLE B Vehicle Exhaust Emission Final Standards

Light Duty Vehicles:

Model Years	Hydrocarbons Composite (gpm)	Carbon Monoxide Phase 2 Composite (gpm)	Oxides of Nitrogen Phase 2 Composite (gpm)
1983-1990 1996+	0.60	10.0	1.5
1991-1995	0.80	15.0	2.0
1983-1990	0.80	30.0	2.0
1981-1982	0.80	30.0	2.0

Light Duty Trucks 1:

Model Years	Hydrocarbons Composite (gpm)	Carbon Monoxide Phase 2 Composite (gpm)	Oxides of Nitrogen Phase 2 Composite (gpm)
1983-1990 1996+	0.60	10.0	1.5
(≤ 3750 LVW)	0.80	13.0	1.8
(> 3750 LVW)	1.60	40.0	2.5
1991-1995	1.60	40.0	4.5
1988-1990	3.40	70.0	4.5
1984-1987	3.40	70.0	4.5
1981-1983	3.40	70.0	4.5

Light Duty Trucks 2:

Model Years	Hydrocarbons Composite (gpm)	Carbon Monoxide Phase 2 Composite (gpm)	Oxides of Nitrogen Phase 2 Composite (gpm)
1983-1990 1996+	0.80	13.0	1.8
(≤ 5750 LVW)	0.80	15.0	2.0
(> 5750 LVW)	1.60	40.0	3.5
1991-1995	1.60	40.0	4.5
1988-1990	3.40	70.0	4.5
1984-1987	3.40	70.0	4.5
1981-1983	3.40	70.0	4.5

(Source: Amended at 22 Ill. Reg. 13720, effective JUL 13 1998)

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Section 240.TABLE C Vehicle Exhaust Emission Fast-Pass Standards

- a) Vehicles having composite hydrocarbon emission limitations of less than 1.25 grams per mile, and composite carbon monoxide emission limitations of less than 20.0 grams per mile, in Section 240.Table A or Section 240.Table B:

Second	Hydrocarbons		Carbon Monoxide	
	Composite	Phase 2	Composite	Phase 2
30	0.124	N/A	0.693	N/A
31	0.126	N/A	0.773	N/A
32	0.129	N/A	0.837	N/A
33	0.135	N/A	0.851	N/A
34	0.140	N/A	0.853	N/A
35	0.146	N/A	0.857	N/A
36	0.150	N/A	0.900	N/A
37	0.153	N/A	0.960	N/A
38	0.156	N/A	1.034	N/A
39	0.160	N/A	1.070	N/A
40	0.165	N/A	1.076	N/A
41	0.169	N/A	1.083	N/A
42	0.172	N/A	1.102	N/A
43	0.173	N/A	1.111	N/A
44	0.177	N/A	1.114	N/A
45	0.197	N/A	1.157	N/A
46	0.200	N/A	1.344	N/A
47	0.208	N/A	1.482	N/A
48	0.221	N/A	1.530	N/A
49	0.232	N/A	1.542	N/A
50	0.235	N/A	1.553	N/A
51	0.238	N/A	1.571	N/A
52	0.240	N/A	1.595	N/A
53	0.242	N/A	1.633	N/A
54	0.246	N/A	1.685	N/A
55	0.249	N/A	1.689	N/A
56	0.252	N/A	1.693	N/A
57	0.261	N/A	1.700	N/A
58	0.271	N/A	1.723	N/A
59	0.276	N/A	1.852	N/A
60	0.278	N/A	1.872	N/A
61	0.280	N/A	1.872	N/A
62	0.282	N/A	1.872	N/A
63	0.283	N/A	1.900	N/A
64	0.284	N/A	1.917	N/A
65	0.285	N/A	1.944	N/A
66	0.286	N/A	2.000	N/A
67	0.288	N/A	2.060	N/A
68	0.291	N/A	2.064	N/A

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69	0.294	N/A	2.076	N/A
70	0.296	N/A	2.104	N/A
71	0.298	N/A	2.117	N/A
72	0.300	N/A	2.125	N/A
73	0.302	N/A	2.130	N/A
74	0.304	N/A	2.138	N/A
75	0.307	N/A	2.152	N/A
76	0.308	N/A	2.170	N/A
77	0.308	N/A	2.188	N/A
78	0.308	N/A	2.200	N/A
79	0.314	N/A	2.212	N/A
80	0.320	N/A	2.212	N/A
81	0.324	N/A	2.221	N/A
82	0.327	N/A	2.222	N/A
83	0.329	N/A	2.227	N/A
84	0.333	N/A	2.236	N/A
85	0.336	N/A	2.243	N/A
86	0.339	N/A	2.262	N/A
87	0.343	N/A	2.271	N/A
88	0.347	N/A	2.284	N/A
89	0.350	N/A	2.299	N/A
90	0.356	N/A	2.308	N/A
91	0.358	N/A	2.326	N/A
92	0.360	N/A	2.330	N/A
93	0.363	N/A	2.331	N/A
94	0.367	N/A	2.344	N/A
95	0.370	N/A	2.347	N/A
96	0.372	N/A	2.355	N/A
97	0.376	N/A	2.395	N/A
98	0.388	N/A	2.451	N/A
99	0.396	N/A	2.508	N/A
100	0.405	N/A	2.590	N/A
101	0.410	N/A	2.660	N/A
102	0.411	N/A	2.749	N/A
103	0.412	N/A	2.913	N/A
104	0.413	N/A	3.162	N/A
105	0.421	N/A	3.170	N/A
106	0.428	N/A	3.197	N/A
107	0.430	N/A	3.288	N/A
108	0.455	N/A	3.419	N/A
109	0.459	0.015	3.587	0.168
110	0.462	0.017	3.595	0.173
111	0.464	0.021	3.640	0.237
112	0.466	0.024	3.740	0.266
113	0.468	0.024	3.868	0.280
114	0.471	0.025	3.877	0.291
115	0.488	0.026	3.934	0.314
116	0.513	0.029	4.015	0.331

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<u>117</u>	<u>0.538</u>	<u>0.032</u>	<u>4.061</u>	<u>0.345</u>	<u>165</u>
<u>118</u>	<u>0.561</u>	<u>0.035</u>	<u>4.063</u>	<u>0.350</u>	<u>166</u>
<u>119</u>	<u>0.577</u>	<u>0.035</u>	<u>4.079</u>	<u>0.356</u>	<u>167</u>
<u>120</u>	<u>0.580</u>	<u>0.036</u>	<u>4.140</u>	<u>0.367</u>	<u>168</u>
<u>121</u>	<u>0.586</u>	<u>0.038</u>	<u>4.185</u>	<u>0.388</u>	<u>169</u>
<u>122</u>	<u>0.594</u>	<u>0.040</u>	<u>4.199</u>	<u>0.407</u>	<u>170</u>
<u>123</u>	<u>0.603</u>	<u>0.041</u>	<u>4.205</u>	<u>0.463</u>	<u>171</u>
<u>124</u>	<u>0.610</u>	<u>0.042</u>	<u>4.212</u>	<u>0.480</u>	<u>172</u>
<u>125</u>	<u>0.615</u>	<u>0.042</u>	<u>4.232</u>	<u>0.506</u>	<u>173</u>
<u>126</u>	<u>0.624</u>	<u>0.042</u>	<u>4.298</u>	<u>0.518</u>	<u>174</u>
<u>127</u>	<u>0.628</u>	<u>0.045</u>	<u>4.344</u>	<u>0.522</u>	<u>175</u>
<u>128</u>	<u>0.632</u>	<u>0.046</u>	<u>4.361</u>	<u>0.525</u>	<u>176</u>
<u>129</u>	<u>0.637</u>	<u>0.046</u>	<u>4.366</u>	<u>0.528</u>	<u>177</u>
<u>130</u>	<u>0.641</u>	<u>0.049</u>	<u>4.369</u>	<u>0.530</u>	<u>178</u>
<u>131</u>	<u>0.643</u>	<u>0.050</u>	<u>4.372</u>	<u>0.530</u>	<u>179</u>
<u>132</u>	<u>0.644</u>	<u>0.052</u>	<u>4.435</u>	<u>0.534</u>	<u>180</u>
<u>133</u>	<u>0.645</u>	<u>0.054</u>	<u>4.523</u>	<u>0.550</u>	<u>181</u>
<u>134</u>	<u>0.647</u>	<u>0.054</u>	<u>4.524</u>	<u>0.554</u>	<u>182</u>
<u>135</u>	<u>0.651</u>	<u>0.054</u>	<u>4.525</u>	<u>0.590</u>	<u>183</u>
<u>136</u>	<u>0.658</u>	<u>0.055</u>	<u>4.531</u>	<u>0.616</u>	<u>184</u>
<u>137</u>	<u>0.663</u>	<u>0.055</u>	<u>4.534</u>	<u>0.639</u>	<u>185</u>
<u>138</u>	<u>0.666</u>	<u>0.056</u>	<u>4.542</u>	<u>0.653</u>	<u>186</u>
<u>139</u>	<u>0.668</u>	<u>0.059</u>	<u>4.553</u>	<u>0.662</u>	<u>187</u>
<u>140</u>	<u>0.670</u>	<u>0.061</u>	<u>4.554</u>	<u>0.683</u>	<u>188</u>
<u>141</u>	<u>0.672</u>	<u>0.061</u>	<u>4.554</u>	<u>0.696</u>	<u>189</u>
<u>142</u>	<u>0.675</u>	<u>0.061</u>	<u>4.554</u>	<u>0.708</u>	<u>190</u>
<u>143</u>	<u>0.678</u>	<u>0.063</u>	<u>4.554</u>	<u>0.721</u>	<u>191</u>
<u>144</u>	<u>0.681</u>	<u>0.064</u>	<u>4.554</u>	<u>0.739</u>	<u>192</u>
<u>145</u>	<u>0.684</u>	<u>0.065</u>	<u>4.554</u>	<u>0.742</u>	<u>193</u>
<u>146</u>	<u>0.686</u>	<u>0.066</u>	<u>4.554</u>	<u>0.743</u>	<u>194</u>
<u>147</u>	<u>0.688</u>	<u>0.067</u>	<u>4.554</u>	<u>0.745</u>	<u>195</u>
<u>148</u>	<u>0.690</u>	<u>0.068</u>	<u>4.554</u>	<u>0.748</u>	<u>196</u>
<u>149</u>	<u>0.692</u>	<u>0.069</u>	<u>4.554</u>	<u>0.751</u>	<u>197</u>
<u>150</u>	<u>0.694</u>	<u>0.070</u>	<u>4.554</u>	<u>0.762</u>	<u>198</u>
<u>151</u>	<u>0.696</u>	<u>0.071</u>	<u>4.556</u>	<u>0.789</u>	<u>199</u>
<u>152</u>	<u>0.698</u>	<u>0.072</u>	<u>4.556</u>	<u>0.790</u>	<u>200</u>
<u>153</u>	<u>0.700</u>	<u>0.073</u>	<u>4.565</u>	<u>0.794</u>	<u>201</u>
<u>154</u>	<u>0.702</u>	<u>0.073</u>	<u>4.612</u>	<u>0.799</u>	<u>202</u>
<u>155</u>	<u>0.704</u>	<u>0.074</u>	<u>4.834</u>	<u>0.805</u>	<u>203</u>
<u>156</u>	<u>0.706</u>	<u>0.077</u>	<u>5.702</u>	<u>0.842</u>	<u>204</u>
<u>157</u>	<u>0.708</u>	<u>0.079</u>	<u>5.841</u>	<u>0.990</u>	<u>205</u>
<u>158</u>	<u>0.710</u>	<u>0.082</u>	<u>6.170</u>	<u>1.038</u>	<u>206</u>
<u>159</u>	<u>0.712</u>	<u>0.082</u>	<u>6.670</u>	<u>1.357</u>	<u>207</u>
<u>160</u>	<u>0.716</u>	<u>0.086</u>	<u>7.425</u>	<u>1.455</u>	<u>208</u>
<u>161</u>	<u>0.750</u>	<u>0.095</u>	<u>8.379</u>	<u>1.546</u>	<u>209</u>
<u>162</u>	<u>0.784</u>	<u>0.107</u>	<u>9.648</u>	<u>1.824</u>	<u>210</u>
<u>163</u>	<u>0.805</u>	<u>0.115</u>	<u>10.918</u>	<u>2.746</u>	<u>211</u>
<u>164</u>	<u>0.840</u>	<u>0.122</u>	<u>12.157</u>	<u>3.073</u>	<u>212</u>

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<u>165</u>	<u>0.853</u>	<u>0.127</u>	<u>12.731</u>	<u>3.633</u>
<u>166</u>	<u>0.874</u>	<u>0.159</u>	<u>12.831</u>	<u>4.505</u>
<u>167</u>	<u>0.903</u>	<u>0.186</u>	<u>12.892</u>	<u>4.952</u>
<u>168</u>	<u>0.910</u>	<u>0.189</u>	<u>12.932</u>	<u>5.254</u>
<u>169</u>	<u>0.914</u>	<u>0.200</u>	<u>13.702</u>	<u>5.730</u>
<u>170</u>	<u>0.916</u>	<u>0.220</u>	<u>14.139</u>	<u>6.051</u>
<u>171</u>	<u>0.919</u>	<u>0.236</u>	<u>14.964</u>	<u>6.333</u>
<u>172</u>	<u>0.931</u>	<u>0.247</u>	<u>15.704</u>	<u>6.490</u>
<u>173</u>	<u>0.948</u>	<u>0.257</u>	<u>16.253</u>	<u>6.796</u>
<u>174</u>	<u>0.983</u>	<u>0.267</u>	<u>16.907</u>	<u>7.205</u>
<u>175</u>	<u>1.018</u>	<u>0.283</u>	<u>17.655</u>	<u>8.151</u>
<u>176</u>	<u>1.027</u>	<u>0.295</u>	<u>18.020</u>	<u>8.230</u>
<u>177</u>	<u>1.035</u>	<u>0.312</u>	<u>18.349</u>	<u>8.584</u>
<u>178</u>	<u>1.051</u>	<u>0.318</u>	<u>18.671</u>	<u>8.800</u>
<u>179</u>	<u>1.074</u>	<u>0.323</u>	<u>18.972</u>	<u>8.847</u>
<u>180</u>	<u>1.084</u>	<u>0.337</u>	<u>19.228</u>	<u>8.913</u>
<u>181</u>	<u>1.099</u>	<u>0.345</u>	<u>20.123</u>	<u>9.122</u>
<u>182</u>	<u>1.121</u>	<u>0.350</u>	<u>20.405</u>	<u>9.532</u>
<u>183</u>	<u>1.132</u>	<u>0.359</u>	<u>20.754</u>	<u>10.256</u>
<u>184</u>	<u>1.152</u>	<u>0.387</u>	<u>21.684</u>	<u>10.862</u>
<u>185</u>	<u>1.161</u>	<u>0.398</u>	<u>21.955</u>	<u>10.996</u>
<u>186</u>	<u>1.168</u>	<u>0.400</u>	<u>22.650</u>	<u>11.206</u>
<u>187</u>	<u>1.175</u>	<u>0.402</u>	<u>22.989</u>	<u>11.514</u>
<u>188</u>	<u>1.181</u>	<u>0.405</u>	<u>23.535</u>	<u>11.894</u>
<u>189</u>	<u>1.188</u>	<u>0.418</u>	<u>23.876</u>	<u>12.019</u>
<u>190</u>	<u>1.203</u>	<u>0.429</u>	<u>24.018</u>	<u>12.170</u>
<u>191</u>	<u>1.219</u>	<u>0.442</u>	<u>24.464</u>	<u>12.517</u>
<u>192</u>	<u>1.233</u>	<u>0.457</u>	<u>24.685</u>	<u>12.598</u>
<u>193</u>	<u>1.251</u>	<u>0.473</u>	<u>24.931</u>	<u>12.625</u>
<u>194</u>	<u>1.255</u>	<u>0.487</u>	<u>25.188</u>	<u>12.653</u>
<u>195</u>	<u>1.258</u>	<u>0.501</u>	<u>25.468</u>	<u>12.777</u>
<u>196</u>	<u>1.265</u>	<u>0.510</u>	<u>25.627</u>	<u>12.906</u>
<u>197</u>	<u>1.280</u>	<u>0.512</u>	<u>25.746</u>	<u>12.989</u>
<u>198</u>	<u>1.293</u>	<u>0.514</u>	<u>25.850</u>	<u>13.060</u>
<u>199</u>	<u>1.301</u>	<u>0.516</u>	<u>25.974</u>	<u>13.165</u>
<u>200</u>	<u>1.313</u>	<u>0.518</u>	<u>26.141</u>	<u>13.242</u>
<u>201</u>	<u>1.324</u>	<u>0.527</u>	<u>26.225</u>	<u>13.412</u>
<u>202</u>	<u>1.332</u>	<u>0.540</u>	<u>26.338</u>	<u>13.662</u>
<u>203</u>	<u>1.341</u>	<u>0.547</u>	<u>26.547</u>	<u>13.773</u>
<u>204</u>	<u>1.357</u>	<u>0.553</u>	<u>26.818</u>	<u>13.942</u>
<u>205</u>	<u>1.375</u>	<u>0.559</u>	<u>27.052</u>	<u>14.090</u>
<u>206</u>	<u>1.392</u>	<u>0.563</u>	<u>27.393</u>	<u>14.224</u>
<u>207</u>	<u>1.408</u>	<u>0.567</u>	<u>27.501</u>	<u>14.426</u>
<u>208</u>	<u>1.422</u>	<u>0.571</u>	<u>27.632</u>	<u>14.498</u>
<u>209</u>	<u>1.433</u>	<u>0.575</u>	<u>27.803</u>	<u>14.776</u>
<u>210</u>	<u>1.443</u>	<u>0.579</u>	<u>27.953</u>	<u>14.907</u>
<u>211</u>	<u>1.453</u>	<u>0.595</u>	<u>28.205</u>	<u>14.916</u>
<u>212</u>	<u>1.463</u>	<u>0.605</u>	<u>28.543</u>	<u>15.014</u>

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213	1.468	0.614	28.997	15.221
214	1.470	0.622	29.000	15.472
215	1.474	0.627	29.005	15.555
216	1.478	0.638	29.081	15.652
217	1.481	0.643	29.281	15.969
218	1.484	0.643	29.483	16.028
219	1.487	0.645	29.734	16.375
220	1.490	0.651	29.803	16.487
221	1.493	0.655	29.821	16.524
222	1.504	0.663	29.847	16.578
223	1.522	0.671	29.862	16.684
224	1.547	0.675	29.873	16.755
225	1.549	0.684	30.008	16.770
226	1.562	0.694	30.126	16.805
227	1.574	0.701	30.127	16.865
228	1.579	0.702	30.127	16.960
229	1.584	0.708	30.208	16.960
230	1.589	0.708	30.314	16.962
231	1.590	0.709	30.323	16.988
232	1.596	0.710	30.325	17.072
233	1.598	0.710	30.368	17.094
234	1.604	0.711	30.411	17.184
235	1.610	0.712	30.416	17.189
236	1.612	0.712	30.428	17.188
237	1.613	0.712	30.430	17.189
238	1.614	0.713	30.452	17.241
239	1.615	0.716	30.488	17.370
b) Vehicles having composite hydrocarbon emission limitations of at least 1.25 grams per mile but less than 2.00 grams per mile, and composite carbon monoxide emission limitations of at least 20.0 grams per mile but less than 30.0 grams per mile, in Section 240. Table A or Section 240. Table B:				
Second		Hydrocarbons		
	Composite	Phase 2	Carbon Monoxide	Phase 2
30	0.247	N/A	1.502	N/A
31	0.253	N/A	1.546	N/A
32	0.258	N/A	1.568	N/A
33	0.263	N/A	1.582	N/A
34	0.268	N/A	1.593	N/A
35	0.277	N/A	1.602	N/A
36	0.283	N/A	1.621	N/A
37	0.293	N/A	1.631	N/A
38	0.297	N/A	1.702	N/A
39	0.298	N/A	1.784	N/A
40	0.313	N/A	1.879	N/A
41	0.320	N/A	2.162	N/A
42	0.327	N/A	2.307	N/A

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43	0.342	N/A	2.343	N/A
44	0.360	N/A	2.376	N/A
45	0.376	N/A	2.406	N/A
46	0.389	N/A	2.433	N/A
47	0.408	N/A	2.458	N/A
48	0.423	N/A	2.483	N/A
49	0.434	N/A	2.774	N/A
50	0.444	N/A	2.844	N/A
51	0.454	N/A	2.900	N/A
52	0.465	N/A	2.936	N/A
53	0.472	N/A	3.133	N/A
54	0.478	N/A	3.304	N/A
55	0.485	N/A	3.407	N/A
56	0.493	N/A	3.456	N/A
57	0.500	N/A	3.480	N/A
58	0.505	N/A	3.518	N/A
59	0.514	N/A	3.560	N/A
60	0.537	N/A	3.593	N/A
61	0.540	N/A	3.628	N/A
62	0.543	N/A	3.641	N/A
63	0.546	N/A	3.655	N/A
64	0.551	N/A	3.680	N/A
65	0.559	N/A	3.700	N/A
66	0.567	N/A	3.728	N/A
67	0.575	N/A	3.857	N/A
68	0.588	N/A	3.894	N/A
69	0.595	N/A	3.943	N/A
70	0.601	N/A	3.983	N/A
71	0.606	N/A	4.009	N/A
72	0.610	N/A	4.023	N/A
73	0.617	N/A	4.023	N/A
74	0.631	N/A	4.053	N/A
75	0.643	N/A	4.063	N/A
76	0.651	N/A	4.077	N/A
77	0.659	N/A	4.225	N/A
78	0.667	N/A	4.243	N/A
79	0.676	N/A	4.260	N/A
80	0.681	N/A	4.282	N/A
81	0.685	N/A	4.322	N/A
82	0.689	N/A	4.389	N/A
83	0.694	N/A	4.482	N/A
84	0.700	N/A	4.515	N/A
85	0.705	N/A	4.518	N/A
86	0.709	N/A	4.520	N/A
87	0.713	N/A	4.522	N/A
88	0.717	N/A	4.522	N/A
89	0.721	N/A	4.523	N/A
90	0.724	N/A	4.526	N/A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

91	0.727	N/A	4.527	N/A	139
92	0.729	N/A	4.527	N/A	140
93	0.731	N/A	4.528	N/A	141
94	0.734	N/A	4.528	N/A	142
95	0.740	N/A	4.528	N/A	143
96	0.748	N/A	4.529	N/A	144
97	0.759	N/A	4.575	N/A	145
98	0.771	N/A	4.703	N/A	146
99	0.783	N/A	4.805	N/A	147
100	0.793	N/A	4.886	N/A	148
101	0.810	N/A	4.957	N/A	149
102	0.823	N/A	5.104	N/A	150
103	0.836	N/A	5.340	N/A	151
104	0.853	N/A	5.496	N/A	152
105	0.871	N/A	5.625	N/A	153
106	0.887	N/A	5.815	N/A	154
107	0.899	N/A	6.473	N/A	155
108	0.931	N/A	7.037	N/A	156
109	0.947	0.040	7.419	0.246	157
110	0.957	0.047	7.643	0.257	158
111	0.965	0.052	7.759	0.286	159
112	0.971	0.056	7.824	0.379	160
113	0.977	0.061	7.889	0.425	161
114	0.983	0.064	7.960	0.457	162
115	1.003	0.072	8.024	0.477	163
116	1.030	0.081	8.076	0.494	164
117	1.041	0.082	8.111	0.504	165
118	1.050	0.083	8.130	0.512	166
119	1.052	0.092	8.148	0.519	167
120	1.055	0.094	8.211	0.529	168
121	1.061	0.097	8.478	0.529	169
122	1.071	0.100	8.548	0.530	170
123	1.081	0.103	8.561	0.531	171
124	1.091	0.106	8.568	0.532	172
125	1.102	0.108	8.572	0.533	173
126	1.110	0.110	8.584	0.548	174
127	1.116	0.112	8.592	0.610	175
128	1.121	0.114	8.596	0.614	176
129	1.125	0.116	8.597	0.622	177
130	1.128	0.118	8.601	0.631	178
131	1.130	0.120	8.605	0.640	179
132	1.132	0.122	8.608	0.646	180
133	1.134	0.123	8.626	0.650	181
134	1.135	0.124	8.650	0.652	182
135	1.143	0.127	8.660	0.738	183
136	1.147	0.130	8.767	0.754	184
137	1.156	0.134	9.029	0.780	185
138	1.163	0.139	9.238	0.795	186

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

139	1.186	0.146	9.389	0.804
140	1.253	0.149	9.493	0.810
141	1.262	0.151	9.583	0.815
142	1.271	0.153	9.626	0.818
143	1.277	0.155	9.669	0.821
144	1.283	0.157	9.716	0.825
145	1.291	0.162	9.763	0.840
146	1.294	0.164	9.809	0.847
147	1.296	0.166	9.852	0.855
148	1.298	0.168	9.885	0.865
149	1.303	0.169	9.932	0.874
150	1.316	0.170	9.986	0.891
151	1.330	0.171	10.039	0.914
152	1.342	0.172	10.072	0.929
153	1.348	0.173	10.090	0.937
154	1.353	0.175	10.105	0.942
155	1.362	0.178	10.146	0.949
156	1.365	0.180	10.245	1.375
157	1.366	0.189	10.397	1.576
158	1.373	0.198	10.923	1.943
159	1.397	0.203	11.970	2.820
160	1.422	0.207	13.421	3.281
161	1.440	0.214	15.289	3.483
162	1.452	0.221	15.912	3.620
163	1.465	0.229	16.530	4.168
164	1.509	0.247	17.622	4.338
165	1.533	0.274	18.366	4.682
166	1.555	0.309	19.869	5.633
167	1.576	0.318	20.711	6.137
168	1.598	0.322	22.319	6.853
169	1.618	0.333	23.751	7.136
170	1.636	0.343	24.842	7.320
171	1.666	0.356	25.410	7.685
172	1.685	0.385	25.798	8.052
173	1.726	0.409	26.122	8.344
174	1.742	0.433	26.353	8.602
175	1.756	0.453	26.638	8.898
176	1.769	0.463	27.219	9.251
177	1.784	0.507	27.279	10.253
178	1.802	0.523	27.320	10.828
179	1.822	0.528	27.352	10.933
180	1.843	0.541	27.822	11.060
181	1.864	0.549	28.763	11.188
182	1.884	0.559	29.402	11.345
183	1.896	0.571	29.971	11.733
184	1.915	0.584	30.276	12.598
185	1.940	0.598	30.988	12.953
186	1.958	0.613	31.095	13.213

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

187	1.972	0.624	31.314	14.131
188	1.985	0.629	31.833	14.839
189	1.991	0.629	32.239	15.137
190	1.993	0.638	32.547	15.138
191	1.995	0.648	32.855	15.141
192	2.001	0.659	33.153	15.595
193	2.015	0.663	33.444	15.658
194	2.031	0.671	33.482	15.704
195	2.047	0.681	33.516	15.729
196	2.063	0.693	33.549	16.058
197	2.079	0.709	33.653	16.987
198	2.094	0.725	33.973	17.064
199	2.109	0.740	34.159	17.073
200	2.122	0.754	34.191	17.153
201	2.130	0.767	34.250	17.332
202	2.137	0.775	34.469	17.406
203	2.157	0.787	34.716	17.641
204	2.172	0.795	34.969	17.922
205	2.194	0.803	35.144	18.484
206	2.222	0.854	35.418	18.553
207	2.245	0.859	35.766	18.658
208	2.268	0.872	35.949	18.953
209	2.279	0.892	36.010	19.266
210	2.288	0.896	36.548	19.309
211	2.301	0.903	37.179	19.731
212	2.316	0.924	37.651	19.902
213	2.332	0.938	38.041	20.012
214	2.345	0.941	38.591	20.260
215	2.354	0.951	38.852	20.739
216	2.362	0.966	38.861	21.346
217	2.368	0.979	38.926	21.810
218	2.376	0.980	39.194	22.001
219	2.384	0.981	39.474	22.290
220	2.391	1.005	39.668	22.324
221	2.395	1.016	39.781	22.343
222	2.400	1.022	39.890	22.522
223	2.405	1.028	39.954	22.661
224	2.409	1.035	39.984	22.666
225	2.413	1.041	39.989	22.667
226	2.415	1.045	39.990	22.668
227	2.417	1.051	39.990	22.669
228	2.419	1.055	39.990	22.670
229	2.420	1.059	39.991	22.671
230	2.421	1.062	40.012	22.671
231	2.423	1.063	40.061	22.672
232	2.425	1.063	40.116	22.673
233	2.427	1.063	40.249	22.673
234	2.429	1.064	40.253	22.673

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

235	2.430	1.064	40.290	23.674
236	2.431	1.066	40.385	23.675
237	2.432	1.069	40.488	23.675
238	2.433	1.072	40.720	23.675
239	2.434	1.075	40.763	23.677
c) Vehicles having composite hydrocarbon emission limitations of 2.00 grams per mile or greater, and composite carbon monoxide emission limitations of 30.0 grams per mile or greater, in Section 240. Table A or Section 240. Table B:				
Hydrocarbons				
Second	Composite	Phase 2	Carbon Monoxide Composite	Phase 2
30	0.407	N/A	3.804	N/A
31	0.415	N/A	3.985	N/A
32	0.423	N/A	4.215	N/A
33	0.436	N/A	4.440	N/A
34	0.451	N/A	4.579	N/A
35	0.464	N/A	4.688	N/A
36	0.468	N/A	4.749	N/A
37	0.475	N/A	4.783	N/A
38	0.487	N/A	4.813	N/A
39	0.506	N/A	4.876	N/A
40	0.530	N/A	5.104	N/A
41	0.549	N/A	5.217	N/A
42	0.569	N/A	5.383	N/A
43	0.588	N/A	5.571	N/A
44	0.609	N/A	5.888	N/A
45	0.621	N/A	6.199	N/A
46	0.636	N/A	6.245	N/A
47	0.649	N/A	6.318	N/A
48	0.666	N/A	6.418	N/A
49	0.679	N/A	6.540	N/A
50	0.696	N/A	6.690	N/A
51	0.712	N/A	6.875	N/A
52	0.727	N/A	7.029	N/A
53	0.745	N/A	7.129	N/A
54	0.760	N/A	7.359	N/A
55	0.776	N/A	7.722	N/A
56	0.797	N/A	8.017	N/A
57	0.814	N/A	8.249	N/A
58	0.826	N/A	8.425	N/A
59	0.837	N/A	8.563	N/A
60	0.849	N/A	8.686	N/A
61	0.862	N/A	8.804	N/A
62	0.872	N/A	8.916	N/A
63	0.887	N/A	9.025	N/A
64	0.895	N/A	9.138	N/A
65	0.903	N/A	9.250	N/A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

66	0.925	N/A	9.354	N/A	114
67	0.933	N/A	9.457	N/A	115
68	0.945	N/A	9.575	N/A	116
69	0.959	N/A	9.728	N/A	117
70	0.970	N/A	9.938	N/A	118
71	0.980	N/A	10.140	N/A	119
72	0.988	N/A	10.222	N/A	120
73	0.997	N/A	10.261	N/A	121
74	1.022	N/A	10.278	N/A	122
75	1.037	N/A	10.290	N/A	123
76	1.051	N/A	10.715	N/A	124
77	1.064	N/A	10.790	N/A	125
78	1.075	N/A	10.844	N/A	126
79	1.087	N/A	10.921	N/A	127
80	1.097	N/A	11.010	N/A	128
81	1.105	N/A	11.090	N/A	129
82	1.114	N/A	11.136	N/A	130
83	1.136	N/A	11.136	N/A	131
84	1.160	N/A	11.165	N/A	132
85	1.182	N/A	11.191	N/A	133
86	1.201	N/A	11.205	N/A	134
87	1.217	N/A	11.211	N/A	135
88	1.233	N/A	11.211	N/A	136
89	1.248	N/A	11.211	N/A	137
90	1.262	N/A	11.211	N/A	138
91	1.271	N/A	11.220	N/A	139
92	1.279	N/A	11.294	N/A	140
93	1.287	N/A	11.332	N/A	141
94	1.295	N/A	11.355	N/A	142
95	1.302	N/A	11.383	N/A	143
96	1.309	N/A	11.410	N/A	144
97	1.316	N/A	11.433	N/A	145
98	1.325	N/A	11.516	N/A	146
99	1.339	N/A	11.820	N/A	147
100	1.356	N/A	12.104	N/A	148
101	1.365	N/A	12.344	N/A	149
102	1.378	N/A	12.781	N/A	150
103	1.397	N/A	13.472	N/A	151
104	1.420	N/A	14.405	N/A	152
105	1.445	N/A	14.808	N/A	153
106	1.470	N/A	14.965	N/A	154
107	1.491	N/A	15.121	N/A	155
108	1.506	N/A	15.372	N/A	156
109	1.517	0.151	15.530	1.113	157
110	1.528	0.159	15.687	1.213	158
111	1.542	0.172	16.018	1.344	159
112	1.559	0.186	16.527	1.399	160
113	1.578	0.199	16.810	1.520	161

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

114	1.594	0.207	16.961	1.640
115	1.605	0.216	17.120	1.684
116	1.615	0.229	17.135	1.693
117	1.625	0.235	17.249	1.786
118	1.642	0.240	17.451	2.007
119	1.670	0.245	17.509	2.084
120	1.694	0.261	17.605	2.179
121	1.705	0.267	17.734	2.264
122	1.717	0.277	18.049	2.328
123	1.732	0.287	18.447	2.375
124	1.747	0.298	18.592	2.437
125	1.763	0.308	18.657	2.543
126	1.779	0.316	18.796	2.593
127	1.795	0.322	18.952	2.641
128	1.810	0.329	19.137	2.663
129	1.823	0.338	19.329	2.672
130	1.835	0.346	19.519	2.676
131	1.845	0.354	19.707	2.683
132	1.854	0.356	19.882	2.817
133	1.862	0.357	19.905	2.992
134	1.870	0.359	20.049	3.111
135	1.883	0.362	20.460	3.234
136	1.888	0.364	20.746	3.304
137	1.896	0.368	21.068	3.310
138	1.911	0.378	21.380	3.320
139	1.928	0.391	21.748	3.354
140	1.949	0.402	22.046	3.436
141	1.969	0.406	22.348	3.443
142	1.982	0.422	22.397	3.452
143	1.999	0.428	22.407	3.490
144	2.011	0.432	22.417	3.552
145	2.022	0.434	22.922	3.588
146	2.035	0.439	22.951	3.600
147	2.043	0.450	22.976	3.616
148	2.049	0.460	23.017	3.627
149	2.063	0.467	23.073	3.636
150	2.085	0.472	23.161	3.676
151	2.104	0.480	23.218	3.882
152	2.117	0.491	23.253	4.011
153	2.127	0.503	23.337	4.047
154	2.138	0.505	23.425	4.067
155	2.152	0.515	23.534	4.081
156	2.168	0.522	23.652	4.116
157	2.186	0.527	23.739	4.251
158	2.205	0.537	24.606	5.099
159	2.224	0.549	25.615	5.383
160	2.242	0.568	26.073	6.362
161	2.268	0.586	28.496	7.926

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

162	2.308	0.610	29.772	8.429
163	2.352	0.648	31.056	9.201
164	2.406	0.677	33.351	10.825
165	2.421	0.699	34.890	12.291
166	2.435	0.720	35.937	13.366
167	2.470	0.738	37.012	14.428
168	2.501	0.767	37.892	15.318
169	2.537	0.828	39.028	15.699
170	2.571	0.855	40.406	16.073
171	2.625	0.869	41.379	16.475
172	2.657	0.885	42.033	17.158
173	2.683	0.900	42.432	17.532
174	2.701	0.941	42.742	17.965
175	2.717	0.979	43.399	18.242
176	2.732	1.002	43.895	18.283
177	2.756	1.025	44.227	18.480
178	2.781	1.047	44.926	19.576
179	2.811	1.065	45.256	20.015
180	2.853	1.089	45.553	20.203
181	2.898	1.109	45.753	20.433
182	2.946	1.133	46.210	21.025
183	2.988	1.158	47.017	21.882
184	3.023	1.184	48.185	22.204
185	3.057	1.209	48.741	22.859
186	3.076	1.222	49.462	23.533
187	3.101	1.231	50.313	24.281
188	3.120	1.239	51.285	25.078
189	3.136	1.254	52.076	25.276
190	3.151	1.278	52.857	25.578
191	3.163	1.300	52.876	25.859
192	3.209	1.313	53.067	25.985
193	3.223	1.324	53.777	26.153
194	3.237	1.340	54.242	26.582
195	3.263	1.367	54.489	27.067
196	3.302	1.387	54.601	27.456
197	3.338	1.402	54.912	27.805
198	3.372	1.417	55.588	28.070
199	3.390	1.432	56.266	28.590
200	3.428	1.446	56.617	28.914
201	3.470	1.460	56.863	29.063
202	3.493	1.477	57.204	29.502
203	3.509	1.492	57.371	29.697
204	3.522	1.501	57.487	29.713
205	3.533	1.510	57.728	29.783
206	3.550	1.522	58.097	29.942
207	3.578	1.561	58.572	30.284
208	3.607	1.585	59.024	30.755
209	3.630	1.597	59.321	31.287

(Source: Added at 22 Ill. Reg. JUL 13 1998)

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

210	3.658	1.607	59.715	31.549
211	3.701	1.627	60.045	31.820
212	3.778	1.645	60.453	32.250
213	3.776	1.656	60.935	32.546
214	3.814	1.663	61.307	32.808
215	3.825	1.669	61.666	33.060
216	3.835	1.674	62.148	33.204
217	3.844	1.685	62.532	33.341
218	3.853	1.700	62.546	33.414
219	3.864	1.704	62.559	33.514
220	3.874	1.706	62.570	33.640
221	3.891	1.709	62.846	33.692
222	3.928	1.711	63.097	33.711
223	3.966	1.714	63.150	33.733
224	4.008	1.718	63.150	33.770
225	4.010	1.721	63.150	33.796
226	4.012	1.723	63.150	33.810
227	4.016	1.726	63.150	33.821
228	4.019	1.729	63.150	33.839
229	4.057	1.731	63.150	33.865
230	4.065	1.733	63.150	33.894
231	4.071	1.735	63.150	33.918
232	4.073	1.743	63.150	33.944
233	4.075	1.749	63.150	33.985
234	4.077	1.753	63.150	34.014
235	4.079	1.757	63.159	34.032
236	4.081	1.762	63.173	34.051
237	4.083	1.767	63.193	34.067
238	4.084	1.772	63.214	34.079
239	4.085	1.776	63.233	34.085

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1) Heading of the Part: Freestanding Emergency Center Demonstration Program
Code

2) Code Citation: 77 Ill. Adm. Code 518

3) Section Numbers: Adopted Action:

518.1000 New Section
518.1050 New Section
518.1100 New Section
518.1150 New Section
518.1200 New Section
518.1250 New Section
518.1300 New Section
518.1350 New Section
518.1400 New Section
518.1450 New Section
518.1500 New Section
518.1550 New Section
518.1600 New Section
518.1650 New Section
518.1700 New Section
518.1750 New Section
518.1800 New Section
518.1850 New Section
518.1900 New Section
518.1950 New Section
518.2000 New Section
518.2010 New Section
518.2020 New Section
518.2030 New Section
518.2040 New Section
518.2050 New Section
518.2060 New Section
518.2070 New Section
518.2080 New Section
518.2090 New Section
518.2100 New Section
518.2110 New Section
518.2120 New Section
518.2130 New Section
518.2140 New Section
518.2150 New Section
518.2160 New Section
518.2170 New Section
518.2190 New Section
518.2200 New Section
518.2210 New Section
518.2220 New Section

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518.2230 New Section
518.2240 New Section
TABLE A New Section
TABLE B New Section
ILLUSTRATION A New Section

- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) Effective Date of Rules: July 10, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? Yes
- 8) A copy of the adopted rule, including material incorporated by reference, is on file in the agency's principle office and is available for public inspection.

9) Date Notice(s) of Proposal was Published in Illinois Register: October 24, 1997 - 21 Ill. Reg. 13995

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to these rules? No

11) Difference between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 518.1350(b), "PARAMEDICS" was added after "or one EMT-P and one other EMT or Field RN".
2. In Section 518.1450(c), a new subsection was added: "4) Social Services provided by the owning or controlling hospital's social services department".
3. In Section 518.1550, a new subsection (o) was added: "o) Personnel services may be provided by the owning or controlling hospital, provided that standards are established in accordance with this Section that are specific to the FEC."
4. In Section 518.1700(a), "or Nursing Service Manager" was added after "Administration".
5. In Section 518.1700(a)(1), "and/or nursing management" was added after "administration".
6. In Section 518.1700(a)(2), "or nursing service manager" was added

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after "administration".

7. In Section 518.1950(a)(3), "and handwashing," was added after "requirements,".
8. In Section 518.2080(b)(2)(E), "and handwashing" was added after "hygiene".
9. In Section 518.2240(d)(1)(B), "20 feet" was changed to "18 feet".
10. In Section 518.2240(f)(2), "and cross-match" was deleted; "capabilities" was changed to "capability"; "O negative blood must be available for transfusion" was added after "capability".
11. In Section 518.2240(f)(3)(D), "shall be provided" and "the location of" were deleted.
12. In Section 518.2240(f)(3)(F), "shall be provided" was deleted.
13. In Section 518.2240(f)(3)(G), " , unless contaminated waste is disposed of through a licensed waste management service in accordance with Section 518.2150(f)(4)" was added after "oven".

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. In Section 518.1000, definition of "Drugs," subparagraph 4, "and intended" was deleted; and " , and intended to affect the structure or any function of the body of man or other animals" was added before the semicolon.

2. In Section 518.1200, line 1, "SUSPENSION" was added after "EMERGENCY".

3. In Section 518.1300(b), the last sentence was changed to: "Copies shall be maintained by the facility for inspection and/or copying by the Department."

4. Section 518.1600(c) was revised as follows:

"c) Nursing Staff

- 1) At least 2 registered nurses shall be available at the freestanding emergency center from 7:00 a.m. to 11:00 p.m.
- 2) At least 1 registered nurse and 1 other health care provider (e.g., licensed practical nurse or physician assistant) shall be available at the freestanding emergency center from 11:00 p.m. to 7:00 a.m., with additional registered nurses

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on call to arrive at the freestanding emergency center within 15 minutes after notification that their services are needed, at any time that the freestanding emergency center is not staffed with at least 2 registered nurses."

5. In Section 518.2170(b)(6)(B)(i), "tile" was changed to "tile".
6. In Section 518.2200(f), "for hospitals" was deleted.
7. In Section 518.2210(e)(8)(G) "(cubic feet per minute)" was added after "cfm".
8. In Section 518.2240(d)(1)(B), "18 feet" was changed to "16 feet".
9. In Section 518.2240(f)(2) " ; O negative blood must be available for transfusion)." was changed to "). If transport time by an ambulance to the nearest hospital is 10 minutes or less, plasma expanders may be used. If transport time by ambulance to the nearest hospital is greater than 10 minutes, then type O negative blood must be available for transfusion.".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? Yes

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Rules: These rules are being adopted to implement Public Act 89-516, which amended the Emergency Medical Services (EMS) Systems Act (Act) to establish the freestanding emergency center (FEC) demonstration program. Public Act 90-0067 further amended the Act to increase the possible number of FEC locations. A freestanding emergency center must be located (1) in a municipality with a population of 60,000 or fewer inhabitants; (2) either in a municipality that has a hospital that has been providing emergency services but is expected to close by the end of 1997 or in a county with a population of more than 350,000 but less than 500,000 inhabitants; (3) within 15 miles of the hospital that owns or controls the FEC; and (4) within 10 miles of the resource hospital affiliated with the FEC as part of the EMS System. The facility is also required to be wholly owned or controlled by an associate or resource hospital but not be a part of the hospital's physical plant; provide comprehensive emergency treatment services 24 hours per day, on an

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outpatient basis; provide an ambulance and maintain on site ambulance services staffed with paramedics 24 hours per day; maintain helicopter landing capabilities; comply with all State and federal patient rights provisions; report patient transfers to the Department; limit its participation in the EMS System strictly to receiving a limited number of BLS runs by emergency medical vehicles according to protocols developed by the resource hospital. The FEC must meet Certificate of Need requirements set forth in the Act and must pay a fee.

The rules establish application requirements; provisions for emergency suspension orders, violations, hearings and fines; patients' rights requirements, requirements governing personnel, nursing services and medical staff organization; accounting and reporting requirements; provisions for radiological, laboratory, and pharmacy services; housekeeping, laundry and maintenance requirements for submission of architectural plans; structural, building, electrical mechanical and plumbing requirements; provisions for finishes and construction details; water supply, and garbage, waste and sewage handling and disposal requirements. The rules also include infection control and sterilization requirements, and provisions governing orders for medication and treatments. The rules set forth requirements for providing "comprehensive emergency treatment services." Facilities are required to develop and maintain a disaster and mass casualty program; to provide care to victims of sexual assault; and to establish procedures for notifying emergency personnel who have provided, or are about to provide, emergency care or life support services to a patient who has been diagnosed as having a dangerous communicable or infectious disease.

- 16) Information and questions regarding this adopted rule shall be directed to:

Ms. Gail DeVito
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
rules@idph.state.il.us

The full text of the Adopted Rules begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 518

FREESTANDING EMERGENCY CENTER DEMONSTRATION PROGRAM CODE

Section	Definitions
518.1000	Incorporated and Referenced Materials
518.1050	Freestanding Emergency Center Demonstration Program
518.1100	Licensure Application and Renewal
518.1150	Emergency Suspension Orders
518.1200	Violations, Hearings and Fines
518.1250	Governing Board
518.1300	Provision of Emergency Services
518.1350	EMS System Participation
518.1400	Patients' Rights
518.1450	Language Assistance Services
518.1500	Personnel Services
518.1550	Personnel Requirements
518.1600	Medical Staff Organization
518.1650	Nursing Services
518.1700	Accounting
518.1750	Quality Assurance and Reporting
518.1800	Orders for Medications and Treatments
518.1850	Infection Control
518.1900	Sterilization and Processing of Supplies
518.1950	Laboratory Services
518.2000	Radiological Services
518.2010	Comprehensive Emergency Treatment Services
518.2020	Notification of Emergency Personnel
518.2030	Community or Area-wide Planning
518.2040	Disaster and Mass Casualty Program
518.2050	Emergency Services for Sexual Assault Victims
518.2060	Pharmacy Service
518.2070	Housekeeping Service
518.2080	Insect and Rodent Control
518.2090	Laundry Service
518.2100	Food Service
518.2110	Maintenance
518.2120	Fire Safety
518.2130	Water Supply
518.2140	Garbage, Waste and Sewage Handling and Disposal
518.2150	Submission of Architectural Plans
518.2160	Preparation of Drawings and Specifications--Submission Requirements
518.2170	Construction Details
518.2180	Finishes
518.2190	

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518.2200 Structural Requirements
 518.2210 Mechanical Requirements
 518.2220 Plumbing and Other Piping Systems
 518.2230 Electrical Requirements
 518.2240 Building Requirements

TABLE A Piping Locations for Oxygen, Vacuum and Medical Compressed Air
 TABLE B Insulation/Building Perimeter
 ILLUSTRATION A Seismic Zone Map

AUTHORITY: Implementing and authorized by Section 32.5 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] (see P.A. 90-67, effective July 8, 1997).

SOURCE: Adopted at 22 Ill. Reg. 13756, effective JUL 10 1998.

Section 518.1000 Definitions

For the purposes of this Part:

Act - the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Allied Health Personnel - persons other than medical staff members, licensed or registered by the State of Illinois or recognized by an organization acceptable to the Department and recognized to so function by the medical staff and the governing authority of the freestanding emergency center.

Ambulance - any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. (Section 3.85 of the Act)

Ambulance Service Provider or Ambulance Provider - any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

Associate Hospital - a hospital participating in an approved EMS System in accordance with the EMS System Program Plan; fulfilling the same clinical and communications requirements as the Resource Hospital; having a basic or comprehensive emergency department with

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24-hour physician coverage; and having a functioning intensive care unit and/or a cardiac care unit.

Basic Life Support (BLS) Services - a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, Cardiopulmonary Resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a basic life support national curriculum of the United States Department of Transportation and any modifications to that curriculum specified in the Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515). (Section 3.10 of the Act)

Comprehensive Emergency Treatment Services - emergency treatment services provided in accordance with Section 518.2020 of this Part.

Department - the Illinois Department of Public Health. (Section 3.5 of the Act)

Director - the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Drugs - the term "drugs" means and includes:

- articles recognized in the official United States Pharmacopoeia, official National Formulary, or any supplement to either of them and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
- articles recognized in the Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790);
- all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
- articles (other than food) having for their main use to affect the structure or any function of the body of man or other animals, and intended to affect the structure or any function of the body of man or other animals; and
- articles having for their main use and intended for use as a component of any articles specified above, but does not include devices or their components, parts or accessories.

Emergency - a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical

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care is required. (Section 3.5 of the Act)

Emergency Medical Services (EMS) System or System - an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System program plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the system is located. (Section 3.20 of the Act)

EMS System Program Plan - the document approved by the Department pursuant to 77 Ill. Adm. Code 515 that describes the EMS System program and directs the program's operation.

Freestanding Emergency Center (FEC) - a facility that provides comprehensive emergency treatment services 24 hours per day, on an outpatient basis and has been issued a license by the Illinois Department of Public Health to participate in the Freestanding Emergency Center Demonstration Program. (Section 32.5 of the Act)

Medical Staff - an organized body composed of the following individuals granted the privilege by the governing authority of the FEC to practice in the FEC: persons who are graduates of a college or school approved or recognized by the Illinois Department of Professional Regulation, and who are currently licensed by the Department of Professional Regulation to practice medicine in all its branches; practice dental surgery; or practice podiatric medicine in Illinois, regardless of the title of the degree awarded by the approving college or school.

Medicines - drugs or chemicals or preparations thereof in suitable form intended for and having for their main use the prevention, treatment, relief, or cure of diseases when used either internally or externally.

Morbidity - a negative outcome that is the result of the original trauma and/or treatment rendered or omitted.

Nurse - a registered nurse or licensed practical nurse as defined in the Illinois Nursing Act of 1987 [225 ILCS 65].

Nursing Staff - registered nurses, licensed practical nurses, nursing aides, orderlies, and others rendering patient care under the supervision of a registered professional nurse.

Owning or Controlling Hospital - the Associate or Resource hospital that wholly owns or controls a freestanding emergency center.

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Participating Hospital - a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pharmacist - a person who holds a certificate of registration as a registered pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Pharmacy - the term "Practice of Pharmacy" includes, but is not limited to:

the soliciting of prescriptions;

the compounding of prescriptions;

the dispensing of any drug or medicine on a prescription;

the transfer of any drug or medicine from one container into another container that is to be delivered to or for the ultimate patient, on a prescription, or to or for the ultimate consumer, without a prescription; and

the placing of directions for use or other required labeling information on a container of any drug or medicine that is to be delivered to or for the ultimate consumer, without a prescription.

The term "pharmacy" or "a drug store" as referred to in Section 3 of the Pharmacy Practice Act of 1987 means and includes that area licensed by the Department of Professional Regulation in which the practice of pharmacy is conducted. Any room or designated area where drugs and medicines are dispensed (including the repackaging for distribution) shall be considered to be a pharmacy and be licensed by the Department of Professional Regulation.

Physician - any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 90].

Pre-Hospital Care - those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals. (Section 3.10 of the Act)

Pre-Hospital Care Provider - an EMS System Participant or any EMT-B, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, Emergency Communications Registered Nurse (ECRN) or physician serving on an

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ambulance or giving voice orders over an EMS System.

Registered Nurse and Registered Professional Nurse or RN - a person who is licensed as a professional nurse under the Illinois Nursing Act of 1987 [225 ILCS 65].

Resource Hospital - the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan.

Social Worker - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Section 518.1050 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:

- 1) Private and professional association standards:
 - A) ASHRAE Handbook of Fundamentals (1981), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.
 - B) The Compressed Gas Association (CGA), Pamphlet P-2.1 (1970): Standard for Medical-Surgical Vacuum Systems in Hospitals, which may be obtained from the Compressed Gas Association, 1235 Jefferson Davis Highway, Arlington, Virginia 22202.
 - C) The following NFPA standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:
 - i) No. 10 (1990): Installation of Portable Fire Extinguishers
 - ii) No. 13 (1994): Sprinkler Systems
 - iii) No. 30 (1990): Flammable and Combustible Liquids Code
 - iv) No. 70 (1996): National Electrical Code
 - v) No. 80 (1995): Fire Doors and Windows
 - vi) No. 82 (1994): Incinerators and Rubbish Handling
 - vii) No. 90A (1989): Installation of Air Conditioning and Ventilating Systems
 - viii) No. 99 (1996): Health Care Facilities Code
 - ix) No. 101 (1997): Life Safety Code
 - x) No. 101-A (1995): Alternative Approaches to Life Safety
 - xi) No. 255 (1990): Standard Method of Test of Surface Burning Characteristics of Building Material

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- xii) No. 701 (1989): Fire Tests for Flame-Resistant Textiles and Films
- xiii) No. 13A (1987): Sprinkler System Maintenance
- xiv) No. 14 (1980): Standpipe and Hose Systems
- D) National Council on Radiation Protection and Measurements (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095.
- E) DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 3801 Tabor Avenue, Philadelphia, Pennsylvania 19120.
- F) Building Officials Code Administrators (BOCA) International, Eleventh Edition, "The BOCA National Building Code (1993)", which may be obtained from BOCA, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795.
- G) American National Standards Institute (ANSI) Standard No. A17.1-1995, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.
- 2) Federal Regulations
 - A) 14 CFR 157 (January 1, 1997) - Notice of Construction, Alteration, Activation and Deactivation of Airports
 - B) 14 CFR 77, Subpart D (January 1, 1997) - Aeronautic Studies of Effect of Proposed Construction on Navigable Airspace
 - C) 57 FR 40 pp. 70024 et seq. (February 28, 1992) - Medicare, Medicaid and CIA Programs; Regulations Implementing the Clinical Laboratory Improvement Amendments of 1988 (CLIA)
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
 - 1) Federal statutes:
 - A) Federal Aviation Act of 1958, Sections 307 and 308 (P.L. 85-726, 72 U.S.C. 731)
 - B) Emergency Medical Treatment and Active Labor Act (42 U.S.C. 1395dd)
 - 2) State of Illinois statutes:
 - A) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

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- B) Hospital Emergency Services Act [210 ILCS 80]
 - C) Hospital Licensing Act [210 ILCS 85]
 - D) Medical Practice Act of 1987 [225 ILCS 60]
 - E) The Illinois Nursing Act of 1987 [225 ILCS 65]
 - F) Illinois Health Facilities Planning Act [210 ILCS 3960]
 - G) Emergency Medical Treatment Act [210 ILCS 70]
 - H) X-ray Retention Act [210 ILCS 90]
 - I) Radiation Installations Act [420 ILCS 30]
 - J) Pharmacy Practice Act of 1987 [225 ILCS 85]
 - K) Illinois Clinical Laboratory Act [210 ILCS 25]
 - L) Illinois Blood Bank Act [210 ILCS 10]
 - M) Language Assistance Services Act [210 ILCS 87]
 - N) Criminal Identification Act [20 ILCS 2630]
 - O) Civil Administrative Code of Illinois [20 ILCS 2310]
- 3) State of Illinois regulations:
- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - B) Department of Public Health, Sexual Assault Emergency Treatment Code (77 Ill. Adm. Code 545)
 - C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - E) Department of Public Health, Sanitary Practice for Drinking Water, Sewage Disposal and Restroom Facilities (77 Ill. Adm. Code 895)
 - F) Department of Public Health, AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)
 - G) Department of Public Health, Control of Sexually Transmitted Diseases Code (77 Ill. Adm. Code 693)
 - H) Department of Public Health, Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
 - I) Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)
 - J) Department of Public Health, The Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)
 - K) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - L) Department of Transportation, Aviation Safety (92 Ill. Adm. Code 14.790, 14.792, 14.795)
 - M) Pollution Control Board, Special Waste Hauling (35 Ill. Adm. Code 809)
 - N) Pollution Control Board, Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill. Adm. Code 725)

Section 518.1100 Freestanding Emergency Center Demonstration Program

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- a) The Department shall conduct a freestanding emergency center (FEC) demonstration program for an initial period concluding on September 1, 1999 (Section 32.5(c) of the Act)
- b) A freestanding emergency center shall be licensed pursuant to this Part to be considered a participant in the program.
- c) A freestanding emergency center shall be located:
 - 1) In a municipality with a population of 60,000 or fewer inhabitants;
 - 2) Either in a municipality that has a hospital that has been providing emergency services but is expected to close by the end of 1997 or in a county with a population of more than 350,000 but less than 500,000 inhabitants;
 - 3) Within 15 miles of the hospital that owns or controls the freestanding emergency center; and
 - 4) Within 10 miles of the Resource Hospital affiliated with the freestanding emergency center as part of the EMS system. (Section 32.5(a)(1) of the Act)
- d) The freestanding emergency center shall be wholly owned or controlled by an Associate or Resource Hospital, but shall not be a part of the hospital's physical plant. (Section 32.5(a)(2) of the Act)
- e) A freestanding emergency center shall not describe itself or hold itself out to the general public as a full service hospital or hospital emergency department in its advertising or marketing activities. (Section 32.5(a)(12) of the Act)

Section 518.1150 Licensure Application and Renewal

- a) Application for a license to operate a freestanding emergency center shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
 - 1) Proof of a Certificate of Need to establish and operate a freestanding emergency center issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act [210 ILCS 3960] or proof of compliance with Section 32.5(a)(15) of the Act;
 - 2) The name and address of the licensee;
 - 3) The name and address of the proposed freestanding emergency center;
 - 4) A precise description of the site of the proposed freestanding emergency center, including proof that the freestanding emergency center is not a part of the Resource or Associate Hospital's physical plant (Section 32.5(a)(2) of the Act);
 - 5) The name and address of the registered agent or other individual authorized to receive Service of Process for the licensee;
 - 6) The name of the person or persons under whose management or supervision the facility will be operated;
 - 7) Proof of ownership or control by an Associate or Resource Hospital;

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- 8) The number of major procedure rooms and observation/treatment rooms; and
- 9) A statement assuring compliance with all State and federal patient rights provisions, including, but not limited to, the Emergency Medical Treatment Act [210 ILCS 70] and the Federal Emergency Medical Treatment and Active Labor Act (42 U.S.C. 1395dd). (Section 32.5(a)(8) of the Act)
- b) An application for licensure shall be accompanied by a fee of \$1500.
- c) Upon receipt and review of the completed application for licensure, the Department shall conduct an inspection to determine compliance with Section 32.5 of the Act and this Part.
- d) If the proposed freestanding emergency center is found to be in substantial compliance with Section 32.5 of the Act and this Part, the Department shall issue a license for a period of one year. A license issued pursuant to Section 32.5 of the Act and this Part shall expire upon termination of the demonstration program. (Section 32.5(c) of the Act) The license is not transferable. It is issued to the licensee, for the specific location and capacity identified in the application.
- e) An application for license renewal shall be filed on forms provided by the Department 120 to 90 days prior to license expiration.
 - 1) The renewal application shall comply with the requirements of subsections (a) and (b) of this Section.
 - 2) Upon review and receipt of a complete application for license renewal, the Department will conduct an inspection. The Department shall renew the license in accordance with subsection (d) of this Section.
 - f) The freestanding emergency center license shall be prominently displayed in an area accessible to the public.
 - g) Any freestanding emergency center may voluntarily relinquish its license prior to the expiration date by notifying the Department in writing. Such notification shall include the anticipated date of termination, which shall not be less than 30 days nor more than 90 days from the date of notification. The notification shall describe the procedures taken by the freestanding emergency center to advise pre-hospital providers, hospitals, and the EMS Medical Director.

Section 518.1200 Emergency Suspension Orders

The Department shall issue an emergency suspension order, in accordance with Section 3.40 of the Act and Section 515.160 of the Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515), for any freestanding emergency center when the Director or his or her designee has determined that the continued operation of the freestanding emergency center poses an immediate and serious danger to the public health, safety and welfare. An opportunity for a hearing shall be promptly initiated after an emergency suspension order has been issued. (Section 32.5(b)(3) of the Act)

Section 515.1250 Violations, Hearings and Fines

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- a) Except for emergency suspension orders, or actions initiated pursuant to Section 3.90(b)(10) of the Act, prior to initiating an action for suspension, revocation, denial, nonrenewal, or imposition of a fine, the Department shall:
 - 1) Issue a notice of violation which specifies the Department's allegations of noncompliance and requests a plan of correction to be submitted within 10 days after receipt of the notice of violation;
 - 2) Review and approve or reject the plan of correction. If the Department rejects the plan of correction, it shall send notice of the rejection and the reason for the rejection. The party shall have 10 days after receipt of the notice of rejection in which to submit a modified plan;
 - 3) Impose a plan of correction if a modified plan is not submitted in a timely manner or if the modified plan is rejected by the Department;
 - 4) Issue a notice of intent to fine, suspend, revoke, nonrenew or deny if the party has failed to comply with the imposed plan of correction, and provide the party with an opportunity to request an administrative hearing. The notice of intent shall be effected by certified mail or by personal service, shall set forth the particular reasons for the proposed action, and shall provide the party with 15 days in which to request a hearing. (Section 3.130 of the Act)
- b) Administrative hearings shall be conducted by the Director or his/her designee. On the basis of any such hearing, or upon default of the respondent, the Director shall issue a final order specifying his findings, conclusions and decision. A copy of the final order shall be sent to the respondent by certified mail or served personally upon the respondent. (Section 3.135 of the Act)
- c) The procedure governing hearings authorized by the Act shall be in accordance with the Department's rules governing administrative hearings (77 Ill. Adm. Code 100). (Section 3.135 of the Act)
- d) A fine not exceeding \$10,000 shall be issued for a violation which created a condition or occurrence presenting a substantial probability that death or serious harm to an individual will or did result therefrom. (Section 3.140(b)(1) of the Act)
- e) A fine not exceeding \$5,000 shall be issued for a violation which creates or created a condition or occurrence which threatens the health, safety or welfare of an individual. (Section 3.140(b)(2) of the Act)
- f) In determining the amount of a fine, the Director shall consider the following factors:
 - 1) The severity of the actual or potential harm to an individual.
 - 2) The numbers and types of protocols, standards, rules or Sections of the Act that were violated in the course of creating the condition or occurrence at issue.
 - 3) The reasonable diligence exercised by the FPC to avoid the

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violation(s) or to reduce the potential harm to individuals.

- 4) Efforts by the FEC to correct the violation(s).
- 5) Any previous violation(s) of a like or similar nature by the FEC.
- 6) Any financial benefit to the FEC of continuing the violation(s).
- g) A notice of intent to impose fine may be issued in conjunction with or in lieu of a notice of intent to suspend, revoke, nonrenew or deny, and shall (Section 3.140(c) of the Act) include:
 - 1) A description of the violation(s) for which the fine is being imposed.
 - 2) A citation to the Sections of the Act, rules, protocols or standards alleged to have been violated.
 - 3) The amount of the fine.
 - 4) The opportunity to request an administrative hearing prior to imposition of the fine, provided such request for a hearing is made within 15 days after receipt of the notice.

Section 518.1300 Governing Board

- a) A governing authority or Governing Board, hereinafter called the Board, shall be responsible for the organization, management, control and operation of the FEC, including appointment of the medical staff.
- b) The organization, duties, responsibilities, and relationships of the Board shall be established by the owning or controlling hospital. Copies shall be maintained by the facility for inspection and/or copying by the Department.

Section 518.1350 Provision of Emergency Services

The freestanding emergency center shall provide the following services:

- a) Comprehensive emergency treatment services (see Section 518.2020 of this Part) 24 hours a day, on an outpatient basis (Section 32.5(a)(5) of the Act);
- b) An ambulance and maintenance of on site ambulance services staffed with paramedics or one EMT-P and one other EMT or Field RN 24 hours per day (Section 32.5(a)(6) of the Act);
- c) A communications system that is fully integrated with its Resource Hospital within the FEC's designated EMS system (Section 32.5(a)(9) of the Act);
- d) Helicopter landing capabilities approved by appropriate State and federal authorities. (Section 32.5(a)(7) of the Act) The helicopter landing capabilities shall:
 - 1) Comply with the rules of the Illinois Department of Transportation entitled "Aviation Safety" (92 Ill. Adm. Code 14.790, 14.792, 14.795);
 - 2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14 CFR 157 and 14 CFR 77, Subpart D; and

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- 3) Be provided on the campus of the freestanding emergency center.

Section 518.1400 EMS System Participation

- a) The freestanding emergency center shall limit its participation in the EMS System strictly to receiving a limited number of BLS runs by emergency medical vehicles according to protocols developed by the Resource Hospital within the FEC's designated EMS System and approved by the EMS Medical Director and the Department. (Section 32.5(a)(4) of the Act)
- b) These protocols shall include but not be limited to:
 - 1) Patient status or freestanding emergency center resource limitations that would result in diversion of a patient to another facility.
 - 2) A commitment by the freestanding emergency center to comply with applicable standardized procedures that apply to hospital emergency departments in the EMS System.

Section 518.1450 Patients' Rights

- a) The freestanding emergency center shall adopt a written policy on patients' rights. This policy shall be available to all patients and personnel.
- b) The FEC shall comply with all State and federal patient rights provisions, including, but not limited to, the Emergency Medical Treatment Act and the federal Emergency Medical Treatment and Active Labor Act. (Section 32.5(a)(8) of the Act)
- c) The FEC shall have a written plan for providing social services to those patients with social problems. This service may be provided through:
 - 1) An organized social service within the FEC, or
 - 2) A social worker employed on a part-time basis, or
 - 3) Social work consultant services from a community agency or the Resource Hospital, or
 - 4) Social Services provided by the owning or controlling hospital's social services department.

Section 518.1500 Language Assistance Services

The freestanding emergency center may provide language assistance services in accordance with the Language Assistance Services Act [210 ILCS 87].

Section 518.1550 Personnel Services

- a) An organized personnel department or service shall be established and designed to meet the needs of the personnel.
- b) Personnel policies and practices that adequately support freestanding emergency center services and quality of patient care shall be

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established and maintained.

- c) Sufficient, qualified personnel shall be employed to properly operate the various departments and the adjunct services requiring technical skill, such as laboratory, x-ray, pharmacy, nursing, etc.
- d) Sufficient service personnel shall be employed to properly operate service departments.
- e) Qualified personnel shall mean those persons who hold necessary licenses for the activities they perform. If no license is required, qualified personnel shall mean those persons who are registered or certified by the Department, the Illinois Department of Professional Regulation, the Council on Medical Education of the American Medical Association or Agencies or Committees established in collaboration with the Council, other accrediting agencies approved by the Department, or an acceptable experience equivalent to the above.
- f) Personnel policies shall be written and available to all personnel.
- g) Personnel policies shall be reviewed and/or revised periodically, but no less than once every two years. The date of review or revision shall be indicated on the personnel policies.
- h) The personnel service shall have available organizational charts that identify all departments and/or services.
- i) All positions shall be authorized by the Board, either directly or through delegation to the administrator.
- j) A job description shall be written for each position in the freestanding emergency center, including minimum qualifications.
- k) Personnel records
 - 1) Accurate, current and complete personnel records shall be maintained for each employee during his/her term of employment and for the years thereafter as may be necessary to satisfy other State or federal requirements.
 - 2) An established standard of content shall be established for personnel records, which shall contain at least the following:
 - A) Application form and/or resume with current and background information sufficient to justify the initial and continuing employment of the individual.
 - B) Verification of license, if the position requires a license. A licensed person shall be employed only after verification of the license is obtained.
 - C) A record regarding the employee's specialized education, training, and experience.
 - D) Verification of identity.
 - E) Employment health examination and subsequent health services rendered to the employees as are necessary to ensure that all employees are physically able to perform their duties.
 - F) Record of orientation to the job.
 - G) Continuance of education.
 - H) Current information relative to periodic work performance evaluations.
- l) Employees shall not be assigned duties that exceed their education,

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training, experience, and qualifications.
 Orientation and in-service training programs shall be provided so that personnel may maintain skills and learn new developments.

- n) Personnel health requirements
 - 1) Each FEC shall establish an employee health program that includes the following:
 - A) An assessment of the employee's health and immunization status at the time of employment;
 - B) Policies regarding required immunizations; and
 - C) Policies and procedures for the periodic health assessment of all personnel. These policies must specify the content of the health assessment and the interval between assessments and must comply with Section 690.720 (Tuberculosis) of the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690).
 - 2) Personnel absent from duty because of any communicable disease shall not return to duty until examined for freedom from any condition that might endanger the health of patients or employees.
 - o) Personnel services may be provided by the owning or controlling hospital, provided that standards are established in accordance with this Section that are specific to the FEC.

Section 518.1600 Personnel Requirements

- a) At least one board certified emergency physician shall be present at the freestanding emergency center 24 hours per day. (Section 32.5(a)(3)(C) of the Act)
- b) Additional physicians shall be present at the freestanding emergency center or available within 30 minutes to meet the needs of patients brought to the freestanding emergency center.
- c) Nursing Staff
 - 1) At least 2 registered nurses shall be available at the freestanding emergency center from 7:00 a.m. to 11:00 p.m.
 - 2) At least 1 registered nurse and 1 other health care provider (e.g., licensed practical nurse or physician assistant) shall be available at the freestanding emergency center from 11:00 p.m. to 7:00 a.m., with additional registered nurses on call to arrive at the freestanding emergency center within 15 minutes after notification that their services are needed, at any time that the freestanding emergency center is not staffed with a least 2 registered nurses.
 - d) Medical, administrative and support personnel shall be available to meet the needs of patients brought to the freestanding emergency center and to meet the requirements of this Part.

Section 518.1650 Medical Staff Organization

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The medical staff shall be organized in accordance with written bylaws, rules and regulations of, or developed in cooperation with, the owning or controlling hospital and approved by the Governing Board.

Section 518.1700 Nursing Services

The FEC shall provide an organized nursing service and shall maintain a staff of nursing personnel organized to provide the nursing care for its patients commensurate with size, scope and nature of services.

a) Director of Nursing Administration or Nursing Service Manager

- 1) The nursing service shall be under the direction of a registered professional nurse who has qualifications in nursing administration and/or nursing management and who has the ability to organize, coordinate, and evaluate the service.
- 2) The nursing administrator (director of nursing) shall hold a degree in nursing or have documented experience and relevant continuing education. He/she shall be employed full-time within the FEC as director of the nursing administration or nursing service manager.
- 3) The nursing administrator shall be accountable to the chief executive officer or designee for developing and implementing policies and procedures of the service and for the nursing practice.
- 4) The nursing administrator shall have authority over the selection, promotion and retention of nursing personnel based on established job descriptions.
- 5) A qualified registered nurse shall be designated and authorized to act in the absence of the nursing administrator on a 24-hour basis.

b) Nursing Staff

- 1) A sufficient number of registered professional nurses shall be on duty at all times to assess, plan, assign, supervise, and evaluate nursing care and provide patients nursing care for which the judgement and specialized skills of a registered nurse are required.
- 2) Licensed practical nurses and other nursing personnel shall be qualified through training, education, and experience, and shall have demonstrated abilities to give nursing care that does not require the skill and judgement of a registered professional nurse. Auxiliary nursing personnel shall be assigned and supervised by a professional nurse and shall be given only those duties for which they are trained.
- 3) The number of registered professional nurses, licensed practical nurses and other nursing personnel assigned shall be consistent with the types of nursing care needed by the patients and the capabilities of the staff. Patients shall be evaluated near the end of each change of shift by criteria developed by the nursing service.

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c) Staffing Standards

- 1) Staffing schedules shall reflect actual nursing personnel required for the FEC. Staffing patterns shall reflect consideration of nursing goals, standards of nursing practice, and the needs of the patients.
- 2) Staffing schedules shall accomplish the following:
 - A) Identification of the nurse in charge.
 - B) Assignment of personnel in a manner that gives consideration to patient care and minimizes the risk of cross-infections.
 - C) Projection of future time schedules indicating assignment of personnel by name, status, date and duty tour.
 - D) Time schedules shall be kept in detail, indicating the assignment of nursing personnel by name, status, date, and the patient care assignment. Actual time reports shall be kept verifying personnel attendance by name, date, patient care assignment, and time of actual attendance.
- d) Planning, decision making, and formulation of policies that affect the operation of the nursing service, the care of patients, or the environment of patients shall include nursing service representatives, and their recommendations shall be considered.
- e) Job descriptions shall be written for each position classification in the nursing service and shall delineate the functions, responsibilities, and qualifications for each classification. Copies of job descriptions shall be available to nursing personnel.
- f) Procedures shall be maintained to ensure that nursing personnel for whom licensure is required have valid and current licenses in the State of Illinois and to verify licensure status.
- g) The current license and credentials of private duty and agency nurses shall be verified prior to assignment. The nursing service shall maintain adequate supervision of private duty and agency nurses and shall require that they abide by the appropriate policies and procedures and maintain the standards of the FEC and the nursing service.
- h) Nursing policies and procedures shall be developed, reviewed periodically at least once a year, and revised as necessary by nursing representatives in cooperation with appropriate representatives from administration, the medical staff and other concerned FEC services or departments. The policies and procedures shall be dated to indicate the time of the most recent review or revision.
- i) Written policies shall include but not be limited to the following:
 - 1) Criteria pertaining to the performance of special procedures and the circumstances and supervision under which these may be performed by nursing personnel.
 - 2) Communication and implementation of diagnostic and therapeutic orders, including verbal orders. The responsibility and mechanism for nursing service to obtain clarification of order when indicated.
 - 3) Administration of medication.

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- 4) Assignments for providing nursing care to patients.
- 5) Documentation in patients' records by nursing personnel.
- 6) Infection control.
- 7) Patient safety.
- 8) Nursing role in other FEC services, including but not limited to such services as pharmacy and housekeeping.
- 9) Emotional and attitudinal support.
- j) A nursing procedure manual shall be developed, and copies shall be available to the nursing staff and to other services and departments, including members of the medical staff and students.
- k) The procedure manual shall provide a ready reference on nursing procedures and a basis for standardization of procedures and equipment in the FEC.

Section 518.1750 Accounting

Accounting procedures shall be carried out in accordance with a recognized system of health care accounting, shall be adequate to permit satisfactory auditing, and shall allow separation of expenses and income from the hospital that owns or controls the FEC. An audit shall be performed at least annually by a qualified auditor independent of the freestanding emergency center.

Section 518.1800 Quality Assurance and Reporting

- a) The freestanding emergency center shall develop and implement a quality assessment and improvement program designed to meet at least the following:
 - 1) Ongoing monitoring and evaluation of the quality and accessibility of care and services provided, including but not limited to:
 - A) infection control,
 - B) patient satisfaction,
 - C) compliance with EMS System protocols, and
 - D) timely patient transfers to hospitals;
 - 2) Identification and analysis of problems; and
 - 3) Identification and implementation of corrective action or changes in response to problems.
- b) The freestanding emergency center shall report the following to the Department:
 - 1) Reports of any patient transfers from the FEC to a hospital shall be faxed to the Chief, Division of Health Care Facilities and Programs at (217)782-0382 within 48 hours after the transfer. (Section 32.5(a)(10) of the Act) Reports shall list the patient's name, diagnosis, date and time of arrival at the FEC, and date, time, destination and mechanism of transfer from the FEC.
 - 2) Reports of morbidity and mortality rates for patients treated at the FEC shall be submitted on a quarterly basis. (Section 32.5(a)(11) of the Act)

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- 3) Reports of all patients transferred to trauma centers shall be submitted on a quarterly basis.
- 4) Reports of injuries allegedly caused by a violent act shall be reported in accordance with Section 55.80 of the Civil Administrative Code of Illinois and 77 Ill. Adm. Code 560 (Violent Injury Reporting Code).
- c) Each freestanding emergency center shall submit a data report, completed by each vehicle service provider for every emergency pre-hospital or inter-hospital transport, to the Department on March 1, June 1, September 1, and December 1 of each year, covering run report data from the preceding quarter. The report shall be in one of the following formats:
 - 1) Copies of the Department-issued scannable run report form, or
 - 2) A data diskette containing the prescribed data elements.
 - A) The data elements shall be in a format compatible with the Department's data base input specifications, and
 - B) Department review and approval of data format compatibility is required prior to submission.
- d) When computer technology is available, each FEC shall develop and implement a mechanism for linking run reports with emergency department, trauma center and admission records from the hospitals that receive emergency patients within the System. This mechanism shall facilitate tracking of case outcomes for purposes of internal quality control, medical study and improvement of both adult and pediatric patients.
- e) The FEC shall use the single form designated or approved by the Resource Hospital.
- f) The FEC shall report any injury resulting from the discharge of a firearm; or any injury sustained in the commission of or as a victim of a criminal offense. (Section 3.2 of the Criminal Identification Act)

Section 518.1850 Orders for Medications and Treatments

- a) No medication or treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff or a house staff member under the supervision of a member of the medical staff. Verbal orders shall be signed before the member of the medical staff or the house staff member leaves the area. Telephone orders shall be used sparingly and countersigned within 24 hours.
- b) Members of the medical staff and house staff members shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.
- c) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the

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medical staff in accordance with policies approved by the medical staff and Board.

Section 518.1900 Infection Control

- a) The freestanding emergency center shall develop policies and procedures for the prevention and control of infections within the facility, which shall be approved by the owning or controlling hospital. The person responsible for infection control in the FEC shall be a part of the hospital's Infection Control Committee.
- b) Policies and procedures for the reporting and care of cases of communicable diseases shall be in accordance with 77 Ill. Adm. Code 690, the Control of Communicable Diseases Code.
- c) When patients have a communicable disease or present signs and symptoms suggestive of such diagnosis, proper precautionary measures shall be taken to avoid cross-infection to personnel, other patients, or the public.
- d) Policies and procedures for the handling of infectious cases shall include orders to the medical, nursing, and non-professional staffs providing for proper isolation technique.
- e) All persons who care for patients with or suspected of having a communicable disease or whose work brings them in contact with materials that are potential conveyors of communicable disease shall take appropriate safeguards to avoid transmission of the disease agent.
- f) Thorough handscrubbing shall be required after touching any contaminated or infected material.
- g) Policies and procedures shall be established related to the above and to the following items but not limited thereto:
 - 1) The admission and isolation of patients with specific and/or suspected infectious diseases, and protective isolation of appropriate patients.
 - 2) In-service education programs on the control of infectious diseases.
 - 3) Policies and procedures for isolation techniques appropriate to the working diagnosis of the patient, and protective routines for personnel and visitors.

Section 518.1950 Sterilization and Processing of Supplies

- a) All sterilization and processing of all sterile supplies and equipment shall be under competent, qualified supervision.
 - 1) The director or person responsible for central services shall be responsible to the chief executive officer. This person shall be qualified for the position by education, training, and experience.
 - 2) The number of supervisory and support personnel shall be related to the scope of the services provided. New employees shall

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receive initial orientation and on-the-job training, and all employees shall participate in a continuing in-service education program, which shall be documented.

- 3) Educational efforts, though directed primarily at sterile-supply processing and handling techniques, shall also include management concepts, safety, personal hygiene, health requirements and handwashing, and work attire.
- b) Written policies and procedures shall be established for the decontamination and sterilization activities performed in the freestanding emergency center and shall relate, but are not limited, to the following:
 - 1) Receiving, decontaminating, cleaning, preparing, disinfecting and sterilizing of reusable items.
 - 2) Assembly, wrapping, storage, distribution, and quality control of sterile equipment and medical supplies. Load control numbers shall be used to designate the hospital sterilization equipment used for each item, including the sterilization date and cycle.
 - 3) Use of sterilization process monitors, including temperature and pressure recordings, and the use and frequency of appropriate chemical indicator and bacteriological spore tests for all sterilizers.
 - 4) Designation of the shelf life for each FEC-wrapped and -sterilized medical item and, to the maximum degree possible, for each commercially prepared item.
 - A) Designation of a shelf life may be a specific expiration date, i.e., 30 days, six months, etc., based on manufacturer's recommendation, a nationally recognized authority, or other standard approved by the owning or controlling hospital's Infection Control Committee.
 - B) Designation of shelf life may be event related if policies and procedures, approved by the owning or controlling hospital's Infection Control Committee, address at least the following:
 - i) requirements for wrapping, storage and rotation of sterile supplies;
 - ii) definition of an event that may cause a sterile item to be or be suspected of being compromised, such as the package being wet or torn, or the seal being broken or tampered with;
 - iii) clear direction that final inspection of the package and the ultimate decision to use the contents of the package rest with the clinician; and
 - iv) orientation, in-service and other follow-up to assure that all necessary staff understand and implement the policies and procedures.
 - C) A facility may choose to use both a specific expiration date and event-related shelf life designation specific for certain wrappings, areas of the FEC, etc., as long as the

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policies and procedures, as approved by the Infection Control Committee, and training of staff define this practice.

- 5) Acquisition of supplies after normal working hours or any time the central service or sterile supply unit is considered "closed" or unstaffed.
- 6) Preventive maintenance of all central supply service equipment, including performance verification records and reports.
- 7) The recall and disposal or reprocessing of outdated sterile supplies.
- 8) The emergency collection and disposition of supplies when special warnings have been issued by the manufacturer. There shall be appropriate notification of the attending physician where patient exposure is known.
- 9) Specific aeration requirements for each category of gas-sterilized items to eliminate the hazard of toxic residues.
- 10) The cleaning and sanitizing of work surfaces, floors, utensils, and equipment used in central service functions.
- c) Space shall be provided for the efficient operation of all central service functions. Functional design and work flow patterns shall provide for the separation of soiled and contaminated supplies from those that are clean and sterile. Equipment of adequate design, size, and type shall be provided for the effective decontaminating, disinfecting, cleaning, packaging, sterilizing, storing, and distributing of medical instruments, supplies, and equipment used in patient care.
- d) Equipment and procedures
 - 1) The facilities, equipment, and procedures for clean-up, preparation, and sterilization shall be adequate to allow proper cleaning, processing, and sterilizing of patient care supplies and equipment.
 - 2) When clean-up, preparation, and sterilization functions are carried out in the same room or unit (as in a central sterilizing department) the physical facilities and equipment and the policies and procedures for their use shall be such as to effectively separate soiled or contaminated supplies and equipment from the clean or sterilized supplies and equipment.
 - 3) Sterilization equipment shall be maintained in good repair and under the provisions of a preventive maintenance program.
 - 4) All pressure steam autoclaves shall have recording thermometers, and the sterilization performance shall be otherwise checked.
 - e) Sterilization of instruments and utensils
 - 1) All surgical instruments not adversely affected by high temperature shall be sterilized by pressure steam sterilization.
 - 2) Whenever possible, throughout the FEC, sterilization shall be accomplished by pressure steam sterilization. Hot air sterilization or gas sterilization may be used. When gas sterilization is used, there shall be policies and tested

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procedures for proper aeration to permit safe utilization. Pressure steam sterilization of reusable syringes and needles is required.

- 3) All instruments, whether used on infected cases or clean cases, shall be cleaned before sterilization. Instruments used on infected cases shall be disinfected before transport to central supply.
- 4) Boiling is not an approved method of sterilization.
- f) Water sterilization
 - 1) When non-commercial sterile water is utilized, water sterilization equipment shall be maintained and operated in a manner that will protect the sterilized water from contamination.
 - 2) An acceptable method for checking the sterility of the water shall be utilized. Water may be sterilized either in approved water sterilizers or autoclaved in approved flasks.
- g) Sterilization and storage of supplies and equipment
 - 1) Supplies and equipment shall be properly wrapped and labeled before sterilization.
 - 2) The effectiveness of sterilization shall be checked. This should include bacteriological testing of all sterilization units throughout the facility. Indicators shall be used to show that a wrapped package has been sterilized. A procedure shall be established for the recall of expired or inadequately sterilized goods for both in-house and commercially sterilized supplies and equipment.
 - 3) Supplies and equipment commercially prepared so as to retain sterility indefinitely are acceptable. The FEC should satisfy itself of the sterility of such materials.
 - 4) Sterile equipment and supplies shall be stored properly in clean cabinets, cupboards or other suitable enclosed spaces. An orderly system of rotation of supplies is recommended so that supplies stored first will be used first.

Section 518.2000 Laboratory Services

The freestanding emergency center shall have a clinical laboratory to perform services commensurate with the FEC's needs for its patients, which is certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA 88) and 57 FR 40 (February 28, 1992). Anatomical pathology services shall be available either in the FEC or by arrangement with other facilities.

- a) Adequacy of Laboratory Services. Clinical laboratory services adequate for the individual FEC shall be maintained in the FEC, as determined by the following:
 - 1) The extent and complexity of services are commensurate with the size, scope and nature of the FEC and the demands of the medical staff upon the laboratory.
 - 2) Basic laboratory services, necessary for routine examinations as defined in subsection (b) of this Section, are provided in the

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FEC.

- b) Clinical Laboratory Examinations. Basic clinical laboratory examinations including chemistry, microbiology, hematology, serology, and clinical microscopy, shall be carried out as required by the medical staff.

1) Other laboratory examinations may be provided under arrangements by the FEC with another laboratory that is certified under CLIA 88.

2) In the case of work performed by an outside laboratory, the original report from this laboratory shall be contained in the medical record.

- c) Availability of Facilities and Services

1) Facilities and services shall be available at all times.

2) Where services are provided by an outside laboratory, the conditions, procedures, and availability of examinations performed are to be in writing and available in the FEC.

- d) Laboratory Report

Signed or otherwise authenticated reports shall be filed with the patient's medical record and duplicate copies maintained in the laboratory.

1) The laboratory director shall be responsible for the laboratory reports.

2) All tests and procedures shall be ordered by a member of the medical staff or by others in accordance with approved policies.

- e) Pathologist Services. Services of a pathologist shall be provided as indicated by the needs of the FEC.

1) Services are to be under the supervision of a pathologist certified by the American Board of Pathology or who possesses training and experience acceptable to the Department and equivalent to such certification, and licensed to practice medicine in all its branches in Illinois, on a full-time, regular part-time or regular consultative basis. If the latter pertains, the FEC shall provide for, at a minimum, semimonthly consultative visits by a pathologist.

2) The pathologist shall participate in staff, departmental and clinicopathologic conferences.

Section 518.2010 Radiological Services

- a) The freestanding emergency center shall maintain and provide radiological services sufficient to perform and interpret the radiological examinations necessary for the diagnosis and treatment of patients, to the extent that the complexity of services is commensurate with the size and scope of the FEC. Additional required services shall be provided by shared services or referral of patients.
- b) The physician responsible for the direction of a radiological department or service shall be Board certified or eligible for certification by the American Board of Radiology or equivalent. The

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physician shall have a written agreement with the FEC to direct the Radiological Services on a full-time, part-time or consulting basis and be an approved member of the medical staff. The responsibilities of the physician must be identified in a policy and procedures manual or other document.

- c) Technicians employed in the radiological services shall have had sufficient training and experience to carry out the procedures safely and efficiently commensurate with the size and scope of the service. A procedure and means for evaluating qualifications shall be established and used.

d) Radiological services shall be available at all times.

e) Complete, signed reports of the radiological examinations shall be made part of the patient's record, and duplicate copies shall be kept in the department for a period of time established by the FEC.

f) Written reports of each radiological interpretation, consultation and treatment shall be signed by the physician responsible for conducting the procedure and shall be a part of the patient's medical record. Maintenance and filing of records should be coordinated with direction and supervision by the Medical Record Administrator.

g) X-ray or roentgen photographs shall be retained in accordance with the X-ray Retention Act [210 ILCS 90], which requires retention for five years and longer where notification of litigation is received.

h) Radiological facilities operated by an FEC constitute a "radiation installation" within the meaning of the Radiation Installations Act [420 ILCS 30] and are required to be registered with the Department of Nuclear Safety.

i) Each radiological department or identified distinct radiological service shall prepare and maintain a policies and procedures manual, which shall be reviewed and updated annually and shall include, but not be limited to, provision for the following identified requirements:

- 1) The FEC shall establish and enforce safety regulations that will protect both patient and radiological worker from excessive or stray radiation.
- 2) Where radiation hazard exists, the FEC shall periodically obtain a survey and report by a qualified radiation physicist indicating that satisfactory conditions exist.
- 3) Personnel Monitoring

A) Procedures for personnel monitoring shall be maintained for each individual working in the area of radiation where there is a reasonable probability of receiving one-fourth of the maximum permissible dose.

B) Personnel monitoring records resulting from the use of film badges or dosimeters must be maintained. Readings must be on at least a monthly basis.

C) Upon termination of employment, each worker should be provided with a summary of his exposure record.

D) Permanent records of exposure on all monitored personnel

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- 4) Monthly and yearly reports shall be maintained for review by surveyors for licensing. of examinations done and kinds of treatment given.
- 5) The use of all radiological apparatus shall be limited to personnel designated as qualified by the physician responsible for the direction and/or supervision of the department or service. The use of fluoroscopes shall be limited to credentialed physicians.
- 6) Participation in continuing education by all radiological personnel (including physicians responsible for the direction and supervision of radiological services) shall be documented.
- 7) A current interesting case file should be maintained on a regular basis for educational purposes.
- 8) At all times, reasonable privacy shall be provided for the radiological patient relative to dressing, evacuation, and the study being performed.
- 9) Safety rules shall be written for the radiological services to protect patients and personnel. These rules must relate to radiation, electrical and mechanical hazards, prevention and containment of fire and explosion, and prevention and treatment of any untoward reaction to contrast media.
- 10) Written policies and procedures must be enforced for the radiological services that relate to the management of critically ill patients and to the administration of diagnostic agents by nonphysicians.

11) When nonphysicians are permitted to administer diagnostic agents intravenously for radiological evaluations, written safety guidelines must specify which individuals have this authority and require that a physician be immediately available.

12) An emergency drug tray must always be present in the room or immediately available where parenteral diagnostic agents for radiologic evaluations are being administered. A system shall be established for maintaining an emergency drug tray with appropriate content and no outdated medications or missing items. Oxygen, airways, syringes and needles, intravenous administration sets, and appropriate parenteral solutions shall be available at all times.

13) Written safety rules must provide: for the steps to be followed in the event of a spill of radioactive material; for specific authority for any nonphysician personnel who administer isotopes intravenously; for the recording of cumulative radiation exposure of all personnel; a requirement for protective security from all radioactive areas for all unauthorized personnel; and the establishment of a radiation protection survey at least every six months.

14) Instrument log books maintained by Radiological Services must include calibration records of equipment and monitors, maintenance and repair records, and the findings of outside

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evaluators (if used), with the corrective action taken.

Section 518.2020 Comprehensive Emergency Treatment Services

Each freestanding emergency center shall provide Comprehensive Emergency Treatment Services as follows:

- a) At least one board certified emergency physician shall be present at the FEC 24 hours per day. (Section 32.5(a)(1)(C) of the Act)
- b) Physician specialists representing the major specialties, and sub-specialties such as plastic surgery, dermatology, ophthalmology, etc., shall be available within minutes.
- c) Ancillary services including laboratory and x-ray shall be staffed at all times. Pharmacy shall be staffed or "on call" at all times.
- d) Each FEC shall provide adequate facilities for the provision of immediate life saving measures.
- e) Policies and procedures governing the acceptance and care of emergency patients shall be established.
- f) An appropriate record shall be maintained on each patient who presents for emergency services.
- g) Appropriate supplies and equipment shall be available and ready for use.
- h) This Section shall not be construed to affect facility-patient arrangements regarding payment for care.

Section 518.2030 Notification of Emergency Personnel

a) For purposes of this Section:

- 1) "Emergency Services Provider Agency" means any entity that uses vehicles, personnel and equipment for the pre-hospital or inter-hospital transportation and care of patients requiring emergency care or life support services in conformance with the provisions of the Act.
- 2) "Paramedic" means an emergency medical technician-paramedic licensed by the Department pursuant to Section 3.50 of the Act.
- 3) "Ambulance Personnel" means any person employed by an emergency services provider agency who is or was involved in the pre-hospital or inter-hospital transportation and care of a patient requiring emergency care or life support services as an ambulance crew member, including the vehicle driver.
- b) Each freestanding emergency center (FEC) shall establish procedures for notifying police officers, paramedics and ambulance personnel who have provided, or are about to provide, emergency care or life support services to a patient who has been diagnosed as having a dangerous communicable or infectious disease. (Section 6.08(a) of the Hospital Licensing Act) The procedures shall include at a minimum the requirements of this Section.
- c) Notification shall be required for the following diseases:
 - 1) Rubella (including congenital rubella syndrome)

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- 2) Measles
 - 3) Tuberculosis
 - 4) Invasive meningococcal infections (meningitis or meningococemia)
 - 5) Mumps
 - 6) Chickenpox
 - 7) Herpes Simplex
 - 8) Diphtheria
 - 9) Rabies (human rabies)
 - 10) Anthrax
 - 11) Cholera
 - 12) Plague
 - 13) Polio (Poliomyelitis)
 - 14) Hepatitis B
 - 15) Typhus (louse-borne)
 - 16) Smallpox
 - 17) Hepatitis non-A, non-B
 - 18) Acquired Immunodeficiency Syndrome (AIDS)
 - 19) AIDS-related complex (ARC)
 - 20) Human Immunodeficiency Virus (HIV) Infection
- d) The freestanding emergency center (FEC) shall send a letter of notification to the emergency services provider agency within 72 hours after the FEC receives actual knowledge of a confirmed diagnosis of any of the communicable diseases listed in subsection (c) of this Section, other than AIDS, ARC or HIV infection, of any patient who has been transported to the FEC by police officers, paramedics or ambulance personnel. (Section 6.08(c) of the Hospital Licensing Act)
- e) In the case of a confirmed diagnosis of AIDS, ARC, or HIV infection, the FEC shall send a letter of notification to the emergency services provider agency within 72 hours only if one or both of the following conditions exist:
- 1) The police officers, paramedics or ambulance personnel have indicated on the ambulance run sheet that a reasonable possibility exists that they have had blood or body fluid contact with the patient.
 - 2) The FEC has reason to know of a possible exposure of the police officers, paramedics or ambulance personnel to the blood or body fluids of the patient. (Section 6.08(c) of the Hospital Licensing Act)
- f) Notification letters shall be sent to the designated contact at the emergency services provider agency listed on the ambulance run sheet and shall include at least the following information. Such notification letters shall not contain the patient's name or any patient-identifying information. (Section 6.08(d) of the Hospital Licensing Act)
- 1) The names of the police officers, paramedics, ambulance personnel, and other crew members listed on the ambulance run sheet,
 - 2) The name of the communicable disease diagnosed,

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- 3) The date the patient was transported,
 - 4) A statement that this information shall be maintained as a confidential medical record, and
 - 5) A statement that upon receipt of the notification letter, the provider agency shall contact all personnel involved in the pre-hospital or inter-hospital care and transport of the patient. (Section 6.08(d) of the Hospital Licensing Act)
- g) Upon discharge of a patient with a communicable disease listed in subsection (c) of this Section or below to emergency personnel, the FEC shall notify the emergency personnel of appropriate precautions against the communicable disease, but shall not identify the name of the patient. (Section 6.08(e) of the Hospital Licensing Act)
- 1) Typhoid fever
 - 2) Amebiasis
 - 3) Shigellosis
 - 4) Salmonellosis
 - 5) Giardiasis
 - 6) Hepatitis A
- h) The FEC may take any measures in addition to those required in this Section which it considers necessary or useful to notify police officers, paramedics or ambulance personnel of possible exposure to any communicable disease. (Section 6.08 of the Hospital Licensing Act)
- However, such measures shall not violate the confidentiality of the medical record of the patient, or conflict with the provisions of this Section.

Section 518.2040 Community or Areawide Planning

Freestanding emergency centers may participate in a community or areawide plan that provides for emergency services, as described in Section 250.730 of the Hospital Licensing Requirements.

Section 518.2050 Disaster and Mass Casualty Program

- a) Each freestanding emergency center shall have and maintain a disaster and mass casualty program. Such program shall be developed in cooperation with the hospitals of the area and with official and nonofficial agencies concerned. This program shall include the possibility of disaster involving loss of the FEC or serious impairment of its facilities.
- b) In instances where FECs are participating in an areawide plan for emergency services, the plan shall include responsibilities to be shared for a disaster and mass casualty program.

Section 518.2060 Emergency Services for Sexual Assault Victims

- a) All freestanding emergency centers are required to render care to victims of sexual assault. Such care shall be in accordance with

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- Section 545.60 of the Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545).
- b) An FEC may fulfill its obligation to provide emergency service to sexual assault victims by participating in an areawide plan for emergency service in accordance with 77 Ill. Adm. Code 545.50.

Section 518.2070 Pharmacy Service

- a) The freestanding emergency center shall provide a pharmacy or drug and medicine service (service) for the care and treatment of patients.
- b) A pharmacy or drug and medicine service policy and procedure manual shall identify the service and manner of operation.
- c) The service shall be under the direction of a pharmacist employed by the FEC on a full-time, part-time or consulting basis. Responsibilities of the pharmacist must be identified in the policy and procedure manual or other document.
- d) A pharmacy shall be staffed at all times by a pharmacist during open hours. At all other times, the pharmacy shall be locked. A pharmacist or pharmaceutical service must be on call when the pharmacy is not open.
- e) When a pharmacist is absent from the FEC, a registered professional nurse may have access to the pharmacy. The nurse may obtain a single dose, manufacturer's original package, or container of a drug or medication prepackaged under the supervision of a pharmacist, which is necessary to administer to a patient in carrying out treatment and medication orders of a prescriber. A signed receipt for the drugs and medicines removed shall be left for the pharmacist.
- f) Vending machines for the storage and supply of drugs used in the facility shall be stocked only under the supervision of a pharmacist. They shall be securely locked, and shall provide a record of what was supplied and to whom. The drugs contained therein may be released from such machines only by a registered professional nurse, physician or pharmacist.
- g) All drugs and medicines shall be stored and dispensed in accordance with applicable State and federal laws and regulations.
- h) Pharmacy Personnel
- 1) A pharmacist shall be available or on call at all times.
 - 2) An adequate number of registered pharmacists and other supportive personnel shall be provided, consistent with the size and activity of the service.
 - 3) Pharmacy apprentices, when utilized, must be under the direct and personal supervision of a pharmacist.
- i) A pharmacy shall be in an identified area or room that complies with the requirements of the Pharmacy Practice Act of 1987.
- j) Drugs and medicines shall be plainly labeled with the name of the manufacturer, lot and control number, and stored in specifically identified and well-illuminated medicine cabinets, closets, refrigerators, or other locations provided with proper lighting,

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ventilation and temperature control and fully protected from access by unauthorized persons.

Section 518.2080 Housekeeping Service

- a) The FEC shall have an organized housekeeping department or service, under competent supervision.
- b) The director of housekeeping services shall be qualified for the position by education, training, and experience.
- 1) The number of supervisory and support personnel shall be related to the size and complexity of the facility and to the scope of the services provided.
 - 2) To guide personnel in providing a hygienic environment for patients and staff, specific housekeeping procedures shall be developed and available for all departments and services. Procedures shall identify techniques and products used and shall include, but not be limited to, the following:
 - A) the use, cleaning, and care of equipment;
 - B) the selection, measurement, and proper use of housekeeping and cleaning supplies, their storage, and transportation;
 - C) the maintenance of cleaning schedules, including frequency of cleaning of observation/treatment and major procedure rooms;
 - D) techniques for evaluation of cleaning effectiveness;
 - E) personal hygiene and handwashing.
 - c) Participation by housekeeping personnel in a relevant continuing education program shall be documented.
 - d) The entire facility, including but not limited to the floors, walls, windows, doors, ceilings, fixtures, equipment, and furnishings, shall be maintained in good repair, clean and free of insects, rodents and trash.
 - 1) Dusting, mopping, and vacuum cleaning shall be done in a manner that will not spread dust or other particulate matter.
 - 2) Adequate supplies and equipment for housekeeping functions shall be provided, with cleaning compounds and hazardous substances properly labeled and stored.
 - 3) Venetian blinds, decorative curtains and draperies shall be of fire resistant materials and shall be kept clean at all times. Venetian blinds, decorative curtains and draperies shall be prohibited in treatment rooms. When control of excessive sunlight is necessary, washable pull shades (to be damp dusted daily) may be used.

Section 518.2090 Insect and Rodent Control

Any condition on the freestanding emergency center site conducive to the harborage or breeding of insects, rodents, or other vermin shall be prohibited.

a) All outside doors, windows, and other openings except in

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air-conditioned buildings where doors and windows are normally kept closed and opened for minimal use, automatically operated doors or infrequently used fire exits shall be effectively screened during the entire fly season. Screens shall be kept in good repair and shall have no fewer than 16 meshes per inch. All screen doors shall open outward where building design permits and be equipped with self-closing devices. Fire and panic laws shall be considered in screen installation and maintenance.

- b) Other methods of preventing the entrance of insects, such as blast-fans, electrocution screens, fly traps, sprays, etc., may be used but only as a supplement to the use of screens. Fly strips, paper, swatters, insecticide sprays and powders, fly traps, etc., shall be used only in such a manner and place that dead, injured, or affected insects, or the spray or powder itself, cannot fall on or otherwise come in contact with any food or food product.
- c) All rooms shall be free from insects, rodents, or other vermin.
- d) Any chemical substance of a poisonous nature used to control or eliminate various types of vermin shall be properly colored or labeled to identify it as a poison. Identification, storage and use shall be in accordance with local, State, and federal regulations.
- e) If pest control services are contracted with an outside firm, that firm must be licensed by the Department as a Pest Control Business. If services are provided by FEC personnel, and restricted-use pesticides are applied, the person responsible for the application must be certified by the Department as an institutional multi-housing pest control operator.
- f) An up-to-date list shall be maintained of all pest control products used in the facility, areas where they are used, and areas where specific formulations must not be used. This document must be readily available, in case of accidental poisoning.

Section 518.2100 Laundry Service

- a) Laundry service shall be provided by an organized laundry service under competent supervision or by contract with another entity.
 - 1) If laundry services are provided by an outside firm, a written contract shall be available and shall specify that the laundry meets the same standards required in this Section. The linens must be transported in sanitary vehicles. Clean and soiled linens must not be transported in the same vehicle at the same time.
- 2) Equipment and construction shall be as required in Section 518.2180.
- b) The freestanding emergency center laundry shall be:
 - 1) Located so that steam, odors, lint and objectionable noises do not reach patient or personnel areas;
 - 2) Well-lighted, ventilated and adequate in size for the needs of the FEC and for the protection of employees;

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- 3) Maintained in a safe, sanitary, lint-free condition and kept in good repair; and
- 4) Not part of a storage area.
- c) A supply of clean linen shall be provided that is adequate for the capacity and use of the facility.
- d) Written procedures shall be developed and maintained pertaining to the handling, storage, transportation and processing of linens to prevent the spread of infection and assure the maintenance of clean linen.
- e) All linens shall be mechanically washed using soap or detergent and warm or hot water. Linens shall be disinfected by using one of the following procedures:
 - 1) Thermal Disinfection: Linen must be exposed to hot water of at least 160° F for a cumulative time of at least 25 minutes.
 - 2) Chemical and Thermal Disinfection: Linen must be exposed to wash and bleach bath water at least 140° F. The bleach bath must be at least 10 minutes long and have a starting bleach concentration of 100 ppm. This bleach concentration should be measured by titration on a periodic basis.
 - 3) Other: A step-wise wash process that has been previously documented by microbiological study published in a scientific journal. The results must indicate no surviving pathogenic microorganisms and a low level of other organisms. Low level is defined as nine out of ten samples with less than two colonies per ten square centimeters of test surface.
- f) All washed linens shall be thoroughly rinsed. A neutralizing rinse is recommended.
- g) Separate areas shall be maintained for storage of clean linen and soiled linen. Linen storage areas shall be adequate in size for the needs of the facility and shall not be used for any other purpose. Storage shall not be permitted in areas or rooms where plenums of air conditioning or ventilating systems are located.
- h) Handwashing and toilet facilities for laundry personnel shall be provided at locations convenient to the laundry.
- i) Soiled and clean linen carts shall be so labeled and provided with covers made of washable materials that shall be laundered or suitably cleaned daily.
- j) Soiled Linen
 - 1) Soiled diapers, radioactive contaminated linen and linen from pathology shall be separately transported, stored and washed.
 - 2) Isolation and other potentially infectious linens shall be bagged at the location where they are used in durable, leak-proof bags resistant to puncture and tears and shall be labeled or identified as infectious at the site of use.
 - 3) Soiled linen shall not be sorted or pre-rinsed in patient care areas. Soiled linen may be sorted in a separate enclosed room by a person instructed in methods of infection control. These personnel shall not have responsibility for immediately handling clean linen.

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- 4) Soiled linen shall be stored and transported in a manner that does not permit contamination of clean linen, corridors and areas occupied by patients.
- 5) All carts and other containers used to store or to transport clean or soiled linen shall be identified for soiled linen only or for clean linen only and shall be kept covered when not in use.
- 6) If laundry chutes are used for transporting soiled linen, all soiled linen shall be bagged. The chutes shall be designed to maintain a negative air pressure within the chute and shall be kept in a clean and sanitary condition.
- k) Clean Linen
 - 1) Clean linen shall be sorted, handled and transported in such a manner as to prevent cross contamination.
 - 2) Clean linen carts shall be used only for the purpose of transportation or storage of clean linen.
 - 3) Persons processing clean linen shall be dressed in clean garments at all times while on duty. They shall not handle soiled linen.
 - 4) Clean linen received from a commercial laundry shall be completely wrapped in convenient size bundles or otherwise protected and be delivered to a designated clean area of the FEC.
 - 5) Clean linens shall be adequately protected from contamination. Clean linen in patient care areas shall be stored in clean, ventilated closets, rooms or alcoves, used for that purpose only. Corridors shall not be used for storage of linen.
 - 6) If clean linen is stored in the laundry area, it shall be stored in a room separate from the sorting room, laundry room or soiled linen room.

Section 518.2110 Food Service

Food service, if provided by the freestanding emergency center, shall be provided in compliance with local ordinances.

Section 518.2120 Maintenance

The freestanding emergency center shall have an organized engineering and/or maintenance department under competent supervision. The requirements of NFPA Standard No. 99 (1996), "Health Care Facilities Code," shall apply in addition to the following:

- a) Maintenance services shall be under the supervision of a qualified engineer or persons who have had commensurate experience in the maintenance of public or private plants, preferably health care facilities.
- b) Personnel engaged in maintenance activities shall receive orientation and follow-up training, including training in principles of asepsis, cross-infection control, and safe practices.
- c) The FEC shall have an effective, organized, detailed preventive

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- maintenance program. Written instructions for operating and maintaining equipment and the various mechanical, electrical, and other systems contained in the FEC shall be available to maintenance personnel.
- d) Maintenance and repairs shall be carried out in accordance with applicable codes, rules, regulations, standards and requirements of local jurisdictions, the State Fire Marshal, and the Department of Public Health.
 - e) Space and equipment shall be provided for the managerial activities of the supervisor of maintenance for repair work and for storage of maintenance materials. Paints and oils shall not be stored in patient areas.
 - f) The FEC structure and its component parts shall be kept in good repair and maintained with consideration for the safety and comfort of the occupants of the building. Mechanical and electrical equipment shall be maintained in good repair and operating condition at all times.
 - g) Roads, walks, and parking areas shall be properly maintained.
 - h) Grounds and buildings shall be maintained:
 - 1) in a clean condition free of safety hazards;
 - 2) in such manner as will prevent standing water, flooding or leakage; and
 - 3) free of excessive noise, odors, pollens, dusts, or other environmental pollutants and such nuisances as may adversely affect the health or welfare of patients.
 - i) Ventilation, heating, air conditioning, and air changing systems shall:
 - 1) be maintained in good repair and shall be operated in a manner that will prevent the spread of infection and provide for patient comfort;
 - 2) be maintained and operated so that air shall not be circulated from laboratories, toilet rooms, janitors' closets, storage rooms, shop areas and soiled linen to any other part of the facility;
 - 3) be provided, as needed, with acceptable air filtration equipment that is cleaned and serviced at adequate intervals; and
 - 4) assure that the relative humidity is maintained at a minimum of 50 percent in those areas where conductive floors are required.

Section 518.2130 Fire Safety

- a) Buildings and equipment shall be maintained so as to prevent fire and other hazards to personal safety.
- b) Exits, stairways, doors, and corridors shall be kept free of obstructions.
- c) Flammable and combustible liquids shall be labeled, stored, handled and used in compliance with the requirements of the National Fire Protection Association (NFPA) Standard No. 30 (1990) "Flammable and Combustible Liquids Code."

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- d) Flammable and non-flammable gases shall be labeled, handled, and used in compliance with the requirements of NFPA Standard No. 99 (1996), "Health Care Facilities Code." Separate storage for flammable and oxidizing gases shall be provided.
- e) A master fire plan, developed to suit the needs of the facility, and acceptable to the Department, shall be maintained.
- f) Fire regulations listing the fire stations, procedures and staff emergency duties by title or position shall be posted conspicuously on each floor at appropriate locations, and shall be available in each unit, section and department.
- g) Employees shall be trained in procedures to be followed in the master fire plan.
- h) Fire drills shall be conducted at irregular intervals at least 12 times per year. A record shall be kept of the staff performance and results, and indicated corrective measures shall be made.
- i) Portable fire extinguishers, provided in accordance with NFPA Standard No. 10 (1990), "Installation of Portable Fire Extinguishers," shall be inspected at least annually, recharged or repaired as needed and labeled with the dates of the last inspection.
- j) Sprinkler systems, fire hoses, fire detection and alarm devices, and other equipment for use in the fire safety program shall be connected and maintained in a fully functional condition at all times.
- k) Fire detection and protection systems shall be inspected no less than twice a year by a recognized, competent authority. A written report of the inspection shall be kept on file at the FEC for at least three years following the date of inspection.
- l) The FEC shall maintain a procedure for reporting to a designated administrative officer, on a standard form adopted for the purpose, all accidents to patients, staff employees, or visitors. The report shall include all pertinent information and shall be kept on file for not less than six years after the occurrence is reported.
- m) The FEC shall maintain a procedure to investigate fires. A written report of the investigation containing all pertinent information shall be made. The report shall remain on file for not less than six years.

Section 518.2140 Water Supply

The Department's rules entitled "Sanitary Practice for Drinking Water, Sewage Disposal and Rest Room Facilities" (77 Ill. Adm. Code 895) shall apply, except where they differ from this Part.

- a) Water supplies of medical facilities shall be operated in conformance with the following requirements:
 - 1) All water used in operation of the facility shall be provided from a public water supply or from an alternative source. The source of water supply shall be approved by the Department.
 - 2) The construction, maintenance, and operation of any treatment process that might change the physical, chemical, or bacterial characteristics of the water shall be approved by the Department.

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- 3) Hot water shall be available at sinks and lavatories at all times. Water shall be adequate in volume and pressure for all medical purposes.
- 4) The water system shall be operated with a hot water system adequate for all medical purposes.
- 5) The hot water supply shall be regulated by thermostatic or other control devices, which shall be either locked or located in places not accessible to patients or the general public so that the hot water used by patients and by the public is maintained at an even temperature that cannot cause personal injury.
- b) As part of the disaster and mass casualty program, a plan for the emergency supply of water must be available. This plan shall be approved by the Department, and shall include at least written contracts with any outside firms, a listing of procedures to be followed, the amounts of water needed by different departments, the means of dispensing water within the facility, and procedures for sanitizing in the case of contamination. Plans utilizing existing piping are recommended.
- c) All plumbing shall be designed, installed, and maintained in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890) except where that Code and this Part differ.

Section 518.2150 Garbage, Waste and Sewage Handling and Disposal

- a) All garbage and refuse shall be collected, stored, and disposed of in a manner that will not permit the transmission of a contagious disease, create a nuisance or fire hazard, or provide a breeding place for vermin or rodents.
- b) Solid waste shall be handled in a safe and sanitary manner within the facility. Garbage and refuse receptacles within the facility shall be made of metal or other appropriate material provided with disposable liners or shall be cleaned and disinfected after each emptying. Receptacles in areas where wet or hazardous wastes are generated shall have tight-fitting lids and shall be kept closed except during use. Carts used for transport shall be of easily cleanable construction, and shall be kept in a sanitary condition. Trash chutes shall be kept clean and sanitary. Pulping-transport systems, where installed, shall be operated and maintained in a safe and sanitary manner. All refuse must be in impervious bags during transport within the facility. Potentially hazardous waste must be identified and bagged in durable bags resistant to puncture and tears. Waste may be single bagged if it can be put in the bag without contaminating the outside; otherwise, double bagging is required. Wastes capable of producing injury, such as needles and scalpel blades, must be stored and transported in rigid containers. Blood specimens may be carefully poured down the drain. Collected garbage and refuse shall be stored in stable, durable, watertight, vermin- and rodent-proof containers, with tight-fitting lids. Lids shall be kept closed except during use. Containers shall

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be emptied at frequent intervals, and shall be kept clean and sanitary. Garbage storage areas shall be kept in a clean and nuisance-free condition.

d) Final disposal of general solid waste shall be by incineration or grinding and flushing to the municipal sewerage system, or removal to a sanitary landfill. Incinerators shall be approved by the Illinois Environmental Protection Agency, for the types of wastes being generated. Sanitary landfills shall be approved by the Illinois Environmental Protection Agency. Surgical, obstetrical, and other tissue wastes shall be disposed of by grinding and flushing, incineration, or burial. Other potentially infectious wastes shall be rendered safe by grinding and flushing, incineration or steam autoclaving.

e) Any blood or blood components, organs, semen, or other human tissue showing exposure to HIV as evidenced by two of three reactive ELISA test results (according to the package insert - product circular), or any other identified causative agent of AIDS or originating from a patient diagnosed with AIDS or AIDS-Related Complex (ARC) as defined in 77 Ill. Adm. Code 693.20, shall be disposed of by the FEC in accordance with subsection (f) of this Section, or delivered in accordance with subsection (g) of this Section to a research facility to use such blood, blood components, organs, semen, or other human tissue for AIDS research.

f) Any such blood, blood components, organs, semen, or other human tissue, and any other materials or paraphernalia exposed to, or contaminated by, such blood, blood components, organs, semen, or other human tissue shall be completely incinerated, sterilized, or sealed to render the materials innocuous before disposal or removal from the premises.

1) Materials shall be incinerated in accordance with the requirements of an incinerator (35 Ill. Adm. Code 724).

2) Materials shall be sterilized by autoclaving in accordance with the recommendations of the manufacturer of the autoclave. The effectiveness of the autoclave shall be verified and documented at least weekly with a biological spore assay containing *B. stearothermophilus*.

3) Incinerated or sterilized materials shall be disposed of through routine waste disposal methods without precautions against possible contamination.

4) Materials that have not been incinerated or sterilized shall be disposed of by a waste hauler with a proper permit from the Illinois Environmental Protection Agency under rules of the Pollution Control Board (35 Ill. Adm. Code 809). These materials must be sealed, transported, and stored in biohazard containers. These containers shall be marked "Biohazard," bear the universal biohazard symbol, and be orange, orange and black, or red. The containers shall be rigid and puncture resistant such as a

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secondary metal or plastic can with a lid that can be opened by a step-on pedal. These containers shall be lined with one or two high density polyethylene or polypropylene plastic bags with a total thickness of at least 2.5 mil or equivalent material. The containers that are marked "Biohazard" shall be sealed before being removed from the FEC.

g) When an FEC delivers such blood, blood components, organs, semen or other human tissue to any research facility, the FEC shall file a report with the Department (Division of Laboratories), which shall include at least the following information:

- 1) A copy of the request from the research facility for blood or human tissue;
- 2) The quantity of blood or human tissue delivered;
- 3) The name and location of the research facility to which the blood or human tissue was delivered; and
- 4) The date and time of delivery.

h) A research facility, for the purposes of this Section, shall mean any clinical laboratory licensed under the Clinical Laboratory Act [210 ILCS 25], any blood bank licensed under the Illinois Blood Bank Act [210 ILCS 10] or any hospital licensed under the Hospital Licensing Act [210 ILCS 85].

i) All sewage and liquid wastes shall be disposed of in a municipal sewerage system where such facilities are available. When a municipal sewerage system is not available, sewage and liquid wastes shall be collected, treated, and disposed of in an independent plant, the construction, maintenance, and operation of which are approved by the Department or by the Illinois Environmental Protection Agency.

Section 518.2160 Submission of Architectural Plans

a) New Construction, Addition, or Major Alteration

1) When construction is contemplated, either for new buildings or additions or material alterations to existing buildings coming within the scope of this Part, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from the Department prior to starting final working drawings and specifications. Comments or approval shall be provided within 30 days after receipt by the Department.

2) Final Drawings

A) The final working drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts must be signed within one year after approval date. Alternate methods of design development and construction may be acceptable subject to the approval of the Department. Comments or approval shall be provided

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- within 30 days after receipt by the Department.
- B) The Department shall be notified of the award of construction contracts.
- 3) Any contract modifications that affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. Comments or approval shall be provided within 60 days after receipt by the Department.
- 4) The Department shall be notified when construction has been completed or whenever any area is occupied.
- 5) As built drawings should be maintained by the freestanding emergency center.
- b) Minor Alterations and Remodeling. Minor alterations or remodeling changes that do not affect the structural integrity of the building, that do not change functional operation, that do not affect fire safety, and that do not increase capacity over that for which the FEC is licensed need not be submitted for approval.
- c) Alterations of Water Supply, Plumbing and Drainage. No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any such existing system materially altered or extended, until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved.
- d) Codes and Standards
- 1) Nothing stated in this Part shall relieve the sponsor from compliance with building codes, ordinances, and regulations that are enforced by city or county jurisdictions.
 - 2) The recommendations of the BOCA National Building Code (1993) shall apply insofar as such recommendations are not in conflict with the standards set forth in this Part or with the National Fire Protection Association (NFPA) Standard No. 101 (1997), "Life Safety Code."
- A) The portions of the BOCA National Building Code requiring automatic extinguishing systems in all hospitals, smoke detectors in all patient rooms, and automatic door closers on all patient room doors are hereby specifically excluded from these requirements.
- B) The BOCA National Building Code is intended as a model code for municipalities with no building code of their own.
- C) NFPA Standard No. 101-A (1995), "Alternative Approaches to Life Safety," shall apply only if the Department determines that the proposed equivalent system is safe and does not constitute a hazard to the life and safety of the staff and patients.

Section 518.2170 Preparation of Drawings and Specifications--Submission Requirements

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- Drawings and specifications shall be prepared by or under the immediate supervision of an architect registered in the State of Illinois. The requirements contained herein have been established for the guidance of the FEC and the architect to provide a standard method of preparation of drawings and specifications.
- a) First Stage Submission--Design Development Drawings and Outline Specifications
- 1) The preliminary sketch plans shall indicate in detail the assignment of all spaces, size of areas and rooms, and shall indicate in outline the fixed and movable equipment and furniture.
 - A) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design.
 - B) The drawings shall include:
 - i) A plan of each floor including the basement or ground floor;
 - ii) Roof plan;
 - iii) Plan showing roads, parking areas, sidewalks, etc., elevations of all facades;
 - iv) Sections through the building;
 - v) All adjacent areas clearly labeled if addition or alteration; and
 - vi) Fire and smoke separation diagrams.
 - 2) Outline specifications shall provide a general description of the construction including finishes; acoustical material, its extent and type; extent of the conductive floor covering; heating and ventilating systems; and the type of elevators.
 - 3) The total gross floor area and bed count shall be shown on the drawings.
 - 4) A brief narrative of the proposed program shall be provided.
- b) Second Stage Submission--Working Drawings and Specifications
- All working drawings shall be well prepared so that clean and distinct prints may be obtained; drawings shall be accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Separate drawings shall be prepared for each of the following branches of work: architectural, structural, mechanical, electrical and shall include or contain the following:
- 1) Architectural Drawings
 - A) Site plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be landscaped. All structures and improvements that are to be removed under the construction contract shall be shown.
 - B) Plan of each floor and roof.
 - C) Elevations of each facade.
 - D) Sections through building.

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- E) Elevators and dumbwaiters. Drawings delineating shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, and machine rooms.
- F) Laundry, laboratories, and similar areas shall be detailed at a scale to show the location, type, size and connection of all fixed and movable equipment.
- G) Scale details as necessary; scale details to 1 1/2 inch to the foot may be necessary to properly indicate portions of the work.
- H) Schedule of finishes.
- 2) Structural Drawings
- A) Plans of foundations, floors, roofs and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members and a schedule of beams, girders and columns.
- B) Floor levels, column centers, and off-sets shall be dimensioned.
- C) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.
- D) Details of all special connections, assemblies and expansion joints shall be given.
- E) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil-bearing pressures.
- F) For special structures, a stress sheet shall be incorporated in the drawings showing:
- i) Outline of structure;
 - ii) All load assumptions used;
 - iii) Stresses and bending moments separately for each kind of loading;
 - iv) Maximum stress and/or bending moment for which each member is designed, when not readily apparent from subsection (b)(3); and
 - v) Horizontal and vertical reactions at column bases.
- 3) Mechanical Drawings. These drawings with specifications shall show the complete heating, cooling and ventilation systems, plumbing, drainage, stand pipe, and sprinkler systems.
- A) Heating, Cooling and Ventilation
- i) Radiators, coils and steam-heated equipment such as sterilizers, warmers and steam tables.
 - ii) Heating and steam mains and branches with pipe sizes.
 - iii) Diagram of heating and steam risers with pipe sizes.
 - iv) Sizes, types and heating surfaces of boilers, furnaces with stokers and oil burners, if any.
 - v) Pumps, tanks, boiler breeching and piping and boiler room accessories.

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- vi) Air conditioning systems with required equipment, water and refrigerant piping, and ducts.
 - vii) Supply and exhaust ventilating systems with connections and piping.
 - viii) Air quantities for all room supply and exhaust ventilating duct openings.
- B) Plumbing, Drainage and Stand Pipe Systems
- i) Size and elevation of street sewer, house sewer, house drains, street water main and water service into the building.
 - ii) Location and size of soil, waste, and vent stacks with connections to house drains, cleanouts, fixtures and equipment.
 - iii) Size and location of hot, cold and circulating mains, branches, and risers from the service entrance, and tanks.
 - iv) Riser diagram of all plumbing stacks with vents, water risers and fixture connections.
 - v) Gas, oxygen and similar piped systems.
 - vi) Standpipe and sprinkler systems.
 - vii) All fixtures and equipment that require water and drain connections.
- 4) Electrical Drawings. Drawings shall show all electrical wiring, outlets, and equipment that require electrical connections.
- A) Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building.
 - B) Location of main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.
 - C) Light outlets, receptacles, switches, power outlets, and circuits.
 - D) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the telephone company. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the telephone company.
 - E) Nurse call systems with outlets for treatment rooms, duty stations, corridor signal lights, annunciators and wiring diagrams.
 - F) Doctors' call and doctors' in-and-out systems with all equipment wiring, if provided.
 - G) Fire alarm system with stations, signal devices, control board and wiring diagrams.
 - H) Emergency electrical system with outlets, transfer switch, source of supply, feeders, and circuits.

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- 1) All other electrically operated systems and equipment.
- 5) Additions to Existing Structures
- A) Procedures and requirements for working drawings and specifications are to be followed, and the following information shall be submitted:
- Type of activities within the existing building and distribution of existing treatment rooms, etc.;
 - Type of construction of existing building and number of stories in height;
 - Plans and details showing attachment of new construction to the existing structure; and
 - Mechanical and electrical systems tying into existing system.
- B) The Department may require submission of architectural drawings of all or any part of the existing structure if necessary for the Department's review.
- 6) Specifications. Specifications shall supplement the drawings and shall comply with the following:
- A) The specifications shall fully describe, except where fully indicated and described on the drawings, the materials, workmanship, kind, sizes, capacities, finishes, and other characteristics of all materials, products, articles and devices.
- B) The specifications shall include:
- Cover or title sheet;
 - Index;
 - Invitation for bids;
 - General conditions;
 - General requirements;
 - Sections describing material and workmanship in detail for each class of work; and
 - Bid form.

Section 518.2180 Construction Details

- a) Compartmentation, exits, automatic extinguishing systems and other details relating to fire prevention and fire protection shall comply with requirements listed in the appropriate sections of the National Fire Protection Association Standard 101 (1997), "Life Safety Code."
- b) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall be located so as not to restrict corridor traffic or reduce the corridor width below the required minimum.
- c) Doors
- Doors to observation/treatment rooms shall not be lockable from inside the room.
 - Special Locking Arrangements: Electronic locking devices may be installed at specific locations to restrict egress or ingress for patient/staff safety or security provided each of the following

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- is complied with and after receiving approval from the Department:
- The facility must submit a narrative to the Department providing a rationale for having a locked door in a required means of egress. The rationale must relate to security issues.
 - The building must be protected by a sprinkler or fire detection system approved by the Department.
 - All locking system components must be U.L. listed.
 - Cross corridor, smoke or control doors that are located in a required means of egress may only be secured with electronic locks and automatic release devices. The use of manual keys or tools only to unlock the door is not permitted.
 - Locked doors must have continuous staff supervision (direct or electronic remote).
 - No other type of locking arrangement may be used in a required means of egress.
 - All locked doors must release automatically with actuation of the fire alarm system.
 - All doors must release automatically with loss of electrical power to the locking device.
 - All locks must initiate an irreversible process that will release the lock within 15 seconds whenever a force of not more than 15 pounds is continuously applied to the release device (lever type handle or panic bar) for a period of not more than 3 seconds. Relocking of such doors shall be by manual means only. Operation of the release device shall activate a sign in the vicinity of the door to assure those attempting to exit that the system is functional. Delays of up to 30 seconds may be acceptable based on the program narrative.
 - Permanent signs must be posted on locked doors that state: "Push until alarm sounds. Door will be opened in 15 seconds." Sign letters must be at least 1 inch high with 1/8 inch stroke. Signs may be omitted for security reasons based on review of the written rationale.
 - Emergency lighting must be provided at all locked door locations.
 - The local fire department must be fully apprised of locked doors or units and all related details of the system.
 - Any discharge exit door may be locked against entry.
 - Additional electronic release of locked doors initiated from a staff duty station is to be provided.
 - No more than one such device may be installed in any path of travel to exit discharge.
- d) The minimum width of all doors to rooms needing access for beds or stretchers shall be 3'8". Doors to rooms needing access for wheelchairs shall have a minimum width of 2'10".

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- e) Doors on all openings between corridors and rooms or spaces subject to occupancy, except elevator doors, shall be swing type. Openings to patient toilets and other small wet-type areas not subject to fire hazard are exempt from this requirement. Sliding doors with a break and swing feature are acceptable.
- f) Doors, except those to spaces such as small closets that are not subject to occupancy, shall not swing into corridors in a manner that might obstruct traffic flow or reduce the required corridor width. (Large walk-in type closets are considered as occupiable spaces.)
- g) Windows shall be designed so that persons cannot accidentally fall out of them when they are open, or shall be provided with guards.
- h) Glazing. Doors, sidelights, borrowed lights, and windows in which the glazing extends down to within 18 inches of the floor (thereby creating possibility of accidental breakage by pedestrian traffic) shall be glazed with safety glass or plastic glazing material that will resist breaking and will not create dangerous cutting edges when broken. Fire-rated glass shall be used where required for fire safety.
- i) Where labeled fire doors are required, these shall be certified by an independent testing laboratory as meeting the construction requirements equal to those for fire doors in NFPA Standard No. 80 (1995), "Fire Doors and Windows." Reference to a labeled door includes labeled frame and hardware.
- j) Elevator shaft openings shall be class B 1 1/2 hour labeled fire doors.
- k) Linen and refuse chutes shall meet or exceed the following requirements:
- 1) Service openings to chutes shall not be located in corridors or passageways but shall be located in a room of construction having a fire resistance of not less than one hour. Doors to such rooms shall be not less than class C 3/4 hour labeled doors.
 - 2) Service openings to chutes shall have approved self-closing class B 1 1/2 hour labeled fire doors.
 - 3) Minimum cross-sectional dimension of gravity chutes shall be not less than 2'0".
 - 4) Chutes shall discharge directly into collection rooms separated from incinerator, laundry, or other services. Separate collection rooms shall be provided for trash and for linen. The enclosure construction for such rooms shall have a fire resistance rating of not less than two hours, and the doors thereto shall be not less than class B 1 1/2 hour labeled fire doors. External discharge containers need not be enclosed.
 - 5) Gravity chutes shall extend through the roof with provisions for continuous ventilation as well as for fire and smoke ventilation. Openings for fire and smoke ventilation shall have an effective area of not less than that of the chute cross-section and shall be not less than 4'0" above the roof and not less than 6'0" clear of other vertical surfaces. Fire and smoke ventilating openings

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- may be covered with single strength sheet glass or stronger.
- 6) See NFPA Standard No. 82 (1994), "Incinerators and Rubbish Handling," for other requirements.
- 1) Dumbwaiters, conveyors, and material handling systems shall not open directly into a corridor or exitway but shall open into a room enclosed by construction having a fire-resistance rating of not less than one hour and provided with class C 3/4 hour labeled fire doors. Service entrance doors to vertical shafts containing dumbwaiters, conveyors, and material handling systems shall be not less than class B 1 1/2 hour labeled fire doors. Where horizontal conveyors and material handling systems penetrate fire-rated walls or smoke partitions, such openings must be provided with class B 1 1/2 hour labeled fire doors for two hour walls and class C 3/4 hour labeled fire doors for one hour walls or partitions.
- m) Thresholds and expansion joint covers shall be made flush with the floor surface to facilitate use of wheelchairs and carts.
- n) Grab bars shall be provided at all patients' toilets. The bars shall have 1 1/2 inch clearance to walls and shall have sufficient strength and anchorage to sustain a concentrated load of 250 pounds.
- o) An accessible shower shall be provided. Safety glass or plastic glazing materials shall be used for shower doors. A grab bar shall be provided as specified in subsection (n) above. A recessed soap dish shall be provided. The shower base shall have a nonslip service.
- p) Handwashing facilities shall be located and arranged to permit their proper use and operation. Particular care shall be given to the clearances required for blade-type operating handles.
- q) Paper towel dispensers and waste receptacles (or electric hand dryers) shall be provided at all handwashing facilities except scrub sinks.
- r) Lavatories and handwashing facilities shall be securely anchored to withstand an applied vertical load of not less than 250 pounds on the front of the fixture.
- s) Radiation protection requirements of x-ray and gamma ray installations shall conform with National Council on Radiation Protection and Measurements (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989). The completed installation shall be tested, and all defects must be corrected before use.
- t) Ceiling heights shall be as follows:
- 1) Boiler rooms shall have ceiling clearances not less than 2'6" above the main boiler header and connecting piping.
 - 2) Radiographic, major procedure rooms, and other rooms containing ceiling-mounted equipment or ceiling-mounted surgical light fixtures shall have height required to accommodate the equipment or fixtures.
 - 3) All other rooms shall have not less than 8'0" ceilings except that corridors, storage rooms, toilet rooms, and other minor

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rooms shall be not less than 7'8". Suspended tracks, rails, and pipes located in the path of normal traffic shall be not less than 6'8" above the floor.

- u) Rooms containing heat-producing equipment (such as boiler or heater rooms and laundries) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10° F (6° C) above the ambient room temperature.

- v) Elevators. All multi-story facilities shall have at least one institutional-type electric or electrohydraulic elevator.

- 1) Cars and Platforms. Cars of hospital-type elevators shall have dimensions that will accommodate a patient bed and attendants and shall be at least 5'8" x 7'6". The car door shall have a clear opening of not less than 3'8".

- 2) Leveling. Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type with an accuracy of +1/2 inch.

- 3) Operation. Elevators, except freight elevators, shall be equipped with a two-way special service key operated switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.

- 4) Elevator controls, alarm buttons, and telephones shall be accessible to physically handicapped persons.

- 5) Elevator call buttons, controls, and door safety stops shall be of a type that will not be activated by heat or smoke.

- 6) Inspections and tests shall be conducted, and written certification shall be furnished that the installation meets the requirements set forth in this Section and all applicable safety regulations and codes.

- 7) All elevator installations shall meet the requirements of ANSI Standard No. A17.1.

- w) Provisions for Natural Disasters

- 1) General Requirements. An emergency radio communication system is desirable in each facility. If installed, this system shall be self-sufficient in time of emergency and shall also be linked with the available community system and State emergency medical network system, including connections with police, fire, and civil defense system.

- 2) Earthquakes. In regions where local experience shows that earthquakes have caused loss of life or extensive property damage, buildings and structures shall be designed to withstand the force assumptions specified in the BOCA National Building Code. Seismic zones are identified on the map in Section 518.111 Illustration A.

- 3) Tornadoes and Floods. Special provisions shall be made in the design of buildings in regions where local experience shows loss of life or damage to buildings resulting from tornadoes or floods.

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Section 518.2190 Finishes

- a) Cubicle and window curtains and draperies shall be noncombustible or rendered flame retardant and shall pass both the large and small scale tests of National Fire Protection Association Standard No. 701 (1989), "Fire Tests for Flame-Resistant Textiles and Films."

- b) Flame spread and smoke developed ratings of finishes shall be in accordance with NFPA Standard No. 101 (1997), "Life Safety Code."

- c) Floors in areas and rooms in which flammable anesthetic agents are stored or administered to patients shall comply with NFPA Standard No. 99 (1996), "Health Care Facilities Code." Conductive flooring may be omitted from major procedure rooms provided that no flammable anesthetic agents will be used in these areas and provided that appropriate notices are permanently and conspicuously affixed to the wall in each such area and room.

- d) Floor materials shall be easily cleanable and have wear resistance appropriate for the location involved. Floors in toilets, janitor's closets and similar areas shall be water resistant. In all areas frequently subject to wet cleaning methods, floor materials shall not be physically affected by germicidal and cleaning solutions.

- e) Wall bases in soiled workrooms and other areas that are frequently subject to wet cleaning methods shall be made integral and coved with the floor, tightly sealed to the wall, and constructed without surface voids that can harbor vermin.

- f) All wall finishes shall be washable and, in the immediate area of plumbing fixtures, shall be smooth and moisture resistant. Walls in spaces subject to frequent cleaning shall be of suitable materials.

- g) Floor and wall penetrations by pipes, ducts, and conduits shall be tightly sealed to minimize entry of vermin, smoke and fire. Joints of structural elements shall be similarly sealed.

- h) Ceilings shall be cleanable, and those in sensitive areas such as major procedure rooms shall be readily washable and without crevices that can retain dirt particles. These sensitive areas shall have a finished ceiling covering all overhead duct work and piping. Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas, and similar spaces, unless required for fire-resistive purposes.

- i) The following areas shall have acoustical ceilings:

- 1) Corridors in patient areas,
- 2) Nurses' stations,
- 3) Waiting areas.

Section 518.2200 Structural Requirements

- a) In addition to compliance with this Part, all applicable local or State building codes and regulations must be observed.

- b) The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the

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working stresses permitted for the materials of their construction in generally accepted good engineering practice.

- c) Special provision shall be made for machines or apparatus loads that would cause a greater load than the specified minimum live load.

- d) Consideration shall be given to structural members and connections of structures that may be subject to earthquakes or tornadoes. Floor areas where partition locations are subject to change shall be designed to support for the partition, a uniformly distributed load of 25 p.s.f.

- e) Construction shall be in accordance with the requirements of National Fire Protection Association Standard No. 101 (1997), "Life Safety Code," and the minimum requirements contained herein.

- 1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than 1 foot below the estimated frost line or shall rest on leveled rock or load-bearing piles or caissons when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Test borings shall be taken to establish proper soil-bearing values for the soil at the building site.

- 2) Assumed live load shall be in accordance with the BOCA National Building Code.

- f) Chapter 12, "New Health Care Occupancies," 1997 Edition of the Life Safety Code shall apply in its entirety.

Section 518.2210 Mechanical Requirements

- a) General Requirements

- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that these systems are installed and will perform according to the plans and specifications.

- 2) Upon completion of the contract, the owner shall obtain a complete set of manufacturers' installation, operating, maintenance and preventive maintenance instructions, and a parts list with numbers and a description for each piece of equipment. The owner shall also obtain instruction in the operational use of the systems and equipment as required.

- b) Thermal and Acoustical Insulation

- 1) Insulation shall be provided for the following, which are located within the building:

- A) Boilers, smoke breaching, and stacks.
- B) Steam supply and condensate return piping.
- C) Hot water piping above 120° F and all water heaters, generators, and converters. Exposed hot water supplies to fixtures need not be insulated except where exposed to contact by physically handicapped persons.
- D) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient

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dew point.

- E) Water supply, storm and drainage piping on which condensation may occur.

- F) Air ducts and casings with outside surface temperature below ambient dew point.

- G) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.

- 2) Insulation on cold surfaces shall include an exterior vapor barrier.

- 3) Insulation, including finishes and adhesives on exterior surfaces of ducts and equipment, shall have a flame spread rating of 25 or less and a smoke developed rating of 50 or less as determined by an independent testing laboratory in accordance with NFPA Standard No. 255 (1990), "Standard Method of Test of Surface Burning Characteristics of Building Material."

- A) Pipe insulation shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less.

- B) All construction exposed to air flow in air distribution plenums shall have a flame spread rating of 25 or less and a smoke developed rating of 50 or less.

- 4) No duct linings shall be permitted downstream of the 90% filters serving areas requiring 90% filtration.

- c) Steam and Hot Water Systems

- 1) Boilers shall have the capacity to supply the normal requirements of all systems and equipment. The number and arrangement of boilers shall be such that when one boiler breaks down or is temporarily taken out of service, the capacity of the remaining boiler(s) shall be sufficient to provide hot water service, steam for sterilization, and heating for all treatment rooms and major procedure rooms.

- 2) Boiler feed pumps, heating circulating pumps, condensate return pumps and fuel oil pumps shall be connected and installed to provide normal and standby service.

- 3) Supply and return mains and risers of cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at supply and return ends.

- 4) Humidifiers used in conjunction with air handling systems shall be of the direct steam injection type.

- d) Air Conditioning, Heating and Ventilating Systems

- 1) This Part is intended to provide a comfortable, clean, controlled environment for the FEC by employing the most economical and energy efficient systems consistent with these minimum requirements.

- A) The minimum requirements as set forth in this Part in no way relieve the designer from providing system capacities and components as required to maintain control of air quality, odor, ventilation rates, space temperatures and space

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humidity as set forth herein.

- B) The design of air conditioning, heating and ventilation systems shall be based on no less than the recommended outdoor design conditions listed in the ASHRAE Handbook of Fundamentals (1981) for 99% occurrence (Winter) and 1% occurrence (Summer).

2) Ventilation Systems

- A) Air handling systems shall conform to NFPA Standard No. 90A (1989), "Installation of Air Conditioning and Ventilating Systems."
- B) Fire dampers, smoke dampers and smoke control systems shall be constructed, located and installed in accordance with the requirements of NFPA Standard No. 90A (1989), "Installation of Air Conditioning and Ventilating Systems."
- C) Ducts that penetrate construction intended for x-ray or other ray protection shall preserve the effectiveness of the protection.
- D) Outdoor air intakes shall be located at least 15 feet from exhaust outlets of ventilation systems, combustion equipment stacks, medical/surgical vacuum systems, plumbing vents or from areas that may collect vehicular exhaust or other noxious fumes unless other provisions are made to minimize recirculation of exhaust into outdoor air intakes. Plumbing and vacuum vents that terminate above the level of the top of the air intake may be located as close as 10 feet. The bottom of outdoor air intakes serving central systems shall be located as high as practical but at least 6 feet above ground level, or if installed above the roof, 3 feet above the roof level.
- E) Exhaust outlets from areas that may be contaminated by dangerous or noxious dust, fumes, mists, gases, odors, infectious material or other contaminants harmful to people shall be above the roof level. The discharge to the atmosphere shall be located as far as possible but not less than 25 feet from any operable window, door, and/or outdoor intake for a fan that discharges air to an occupied space.
- F) The ventilation systems shall be designed and balanced to provide the ventilation and pressure relationships hereinafter specified.
- G) If the ventilation rates required (as hereinafter specified) do not provide sufficient make-up air for use by hoods, safety cabinets, and exhaust fans, the additional make-up air shall be provided to maintain required pressure balance.
- H) An all outdoor air system may be used where required by local codes, provided that some form of air-to-air or air-to-water heat recovery system will be included to reclaim the energy otherwise discharged with the air exhausted to the outside.

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- I) To provide maximum energy conservation, air supplied to patient care areas not required as make-up air for 100% exhaust systems shall be recirculated. Any air within the FEC that is circulated between patient rooms, or patient rooms and other areas of the FEC, shall pass through filters having an efficiency of 90% (see subsection (d)(3) on filters below).
- J) To provide maximum energy conservation, air supplied to housekeeping, administration and other nonsensitive areas not required as make-up air for 100% exhaust systems shall be recirculated. These areas require filters having a minimum efficiency of 30% on the inlet side of the Air Handling Unit.
- K) When a central system serves areas with different filtration requirements, the most stringent filtration requirement will be provided for the complete system.
- L) All outside air supplied to patient care areas shall pass through 90% filters (see subsection (d)(3) on filters below).
- M) Minimum air circulation requirements indicated hereinafter are applicable to occupied spaces. During unoccupied periods, minimum air circulation may be provided as required to maintain space design temperature conditions.
- N) Where fan coil or terminal room unit systems are provided in areas to be occupied by patients, through the wall outside air ventilation is not acceptable. A separate central ventilation system, with final filters having a minimum efficiency of 90%, shall supply the required outdoor air ventilation.
- 3) Filters
- A) All central ventilation or air conditioning systems shall be equipped with filters having efficiencies no less than those specified in the area requirements.
- B) Where two filter beds are required, filter bed No. 1 shall be located upstream of the conditioning equipment and filter bed No. 2 shall be located downstream of the supply fan and conditioning equipment.
- C) Where only one filter bed is required, it shall be located upstream of the air conditioning equipment.
- D) All filter efficiencies shall be average atmospheric dust spot efficiencies tested in accordance with ASHRAE Handbook of Fundamentals (1981).
- E) Filter frames shall be durable and shall provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work shall be gasketed or sealed to provide a positive seal against air leakage.
- F) A local indicating device shall be installed across each filter bed serving central air systems to measure the static

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pressure drop across the bed.

e) Area Requirements: These requirements are listed in outline format.

- 1) Administration, Public Area, Medical Records, and Housekeeping Offices

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 10%

B) Space Design Conditions:

- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

- Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral

E) Recirculation of air within room permitted..... yes

2) Laboratories

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%
- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 30%

B) Space Design Conditions:

- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

- Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the

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building, is..... negative

E) Recirculation of air within room permitted except in areas, as listed below, where all air must be exhausted directly to the outdoors..... yes

- F) Air from the following areas shall be exhausted directly to the outdoors:

- i) All fume hoods
- ii) Histology
- iii) Bacteriology
- iv) Glass Washing Areas

- G) All air exhausted from fume hoods shall be made up with outside air.

H) Laboratory hoods shall meet the following general requirements:

- i) Have an average face velocity of not less than 75 feet per minute;
- ii) Be connected to an exhaust system that is separate from the building exhaust system;
- iii) Have an exhaust duct system of noncombustible corrosion-resistant material consistent with the usage of the hood; and

- iv) Have an exhaust fan located at the discharge end of the duct system unless provided with welded stainless steel duct from fan outlet to termination.

I) Laboratory hoods shall meet the following special requirements:

- i) Each hood that processes infectious or radioactive materials shall have a minimum face velocity of 100 feet per minute, shall be connected to an independent exhaust system, shall be provided with filters with 99.97% efficiency (based on the DOP, dioctylphthalate, test method as described in DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods) in the exhaust system, and shall be designed and equipped to permit the safe removal, disposal and replacement of contaminated filters.

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- ii) Duct systems serving hoods in which radioactive and/or strong oxidizing agents such as prechloric or nitric acid are used shall be constructed of stainless steel and shall be equipped with wash down facilities.
- 3) Radiology Suite; X-Ray Diagnostic, Fluoroscopy, and Special Procedures
- A) Filters:
- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%
- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 30%
- iii) The exhaust from isotope storage shall be provided with filters with 99.97% efficiency (based on the DOP, dioctylphthalate, test method as described in DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods).
- B) Space Pressurization:
- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%
- C) Air Circulation:
- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- D) Space Pressurization:
- Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is.....neutral
- E) Recirculation of air within room permitted.....yes
- F) Air from the following areas shall be exhausted directly to the outdoors:
- Nuclear medicine and isotope storage.
- 4) Pharmacy Suite
- A) Filters:
- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%

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- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 30%
- B) Space Design Conditions:
- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%
- C) Air Circulation:
- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- D) Space Pressurization:
- Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is.....neutral
- E) Recirculation of air within room permitted.....yes
- 5) Observation/Treatment Rooms
- A) Filters:
- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%
- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 10%
- B) Space Design Conditions:
- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%
- C) Air Circulation (Patient Rooms):
- i) Total air supplied, cfm per bed..... 15
- ii) Outdoor air supplied, cfm per bed..... 10
- D) Air Circulation:
- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- E) Space Pressurization:
- Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is.....neutral
- F) Recirculation of air within room permitted.....yes
- G) Isolation Rooms: These rooms may be used two ways: to protect the patient from the facility environment or to protect the facility environment from the patient. Isolation

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rooms shall have the same conditions as other treatment rooms, except the air flow shall be capable of being either into the room or out of the room. When the facility is being protected (communicable disease), all air shall be exhausted directly to the outdoors.

6) Major Procedure Rooms

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%
- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 30%

B) Space Design Conditions:

- i) Temperature, dry bulb (adj. range)..... 70°-76° F
- ii) Relative humidity, winter, minimum..... 40%
- iii) Relative humidity, summer, maximum..... 60%

C) Air Circulation:

- i) Total air supplied, air changes per hour..... 15
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... positive

- E) Recirculation of air within room permitted..... yes

7) Central Air Supply

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%

B) Space Design Conditions:

- i) Temperature, dry bulb (adj. range)..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

- D) Air flow shall be from the clean area toward soiled or decontamination area.

E) Sterilization Room:

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- i) Where only steam autoclaves are installed, the air exhausted from the sterilizer area for heat control may be recirculated through a central system that is provided with filters having a minimum efficiency of 90%.

- ii) Where ethylene oxide sterilizers are used, all air contaminated with ethylene oxide above 1 PPM must be exhausted directly outdoors. No air shall be recirculated that has more than 1 PPM of ethylene oxide present.

8) Linen Services; Laundry

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 80%

B) Space Design Conditions:

- Temperature, dry bulb (winter)..... 70° F
- C) All air from the soiled storage and sorting area shall be exhausted directly to outdoors.

- D) Air flow shall be from the clean area to the soiled area. Air from the clean area may be used to make up air exhausted from the soiled area.

- E) Air from the clean area may be recirculated within the laundry complex, but shall pass through a lint screen or trap before returning to the air handling unit.

- F) The entire laundry ventilation system shall be controlled so that air flow is into the laundry from the FEC.

- G) Circulation and ventilation rates may be variable, but sufficient outside air must be supplied to make up for exhaust. Minimum circulation of unconditioned air at summer design conditions shall be 2 cfm (cubic feet per minute) per square foot or 12 air changes per hour, whichever is larger.

9) Miscellaneous Supporting Areas

- A) Space temperatures shall be maintained for occupant comfort.
- B) Ventilation system shall be designed and balanced so that air flows into these spaces from adjacent areas.

C) Anesthesia Storage Rooms:

- i) All air shall be exhausted directly to the outdoors.
- ii) Minimum exhaust ventilation rates shall be six air changes per hour.
- iii) The ventilation system shall conform to the requirements of NFPA Standard No. 99 (1996), "Health Care Facilities Code," including the option to provide a gravity (non-mechanical) ventilation system.

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- iv) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- D) Soiled Holding and Work Rooms:
- i) All air shall be exhausted directly to the outdoors.
 - ii) Minimum exhaust ventilation rates shall be 10 air changes per hour.
 - iii) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- E) Toilet Rooms:
- i) Exhaust air may be recirculated through a central ventilation system that is provided with final filters having a minimum efficiency of 90%. Otherwise, all air shall be exhausted directly to the outdoors.
 - ii) Minimum exhaust ventilation rate shall be 1.5 cfm per square foot of floor area, but no less than 50 cfm.
 - iii) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- F) Janitor Closets, Linen and Trash Chute Rooms:
- i) All air shall be exhausted directly to the outdoors.
 - ii) Minimum exhaust ventilation rate shall be 1.5 cfm per square foot of floor area, but no less than 50 cfm.
 - iii) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.
- G) Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures in working stations to 97° F effective temperature (97° F and 50% relative humidity or its equivalent) as defined by ASHRAE Handbook of Fundamentals (1981).
- H) Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, sterilizer or mechanical equipment rooms, shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 100° F.

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Section 518.2220 Plumbing and Other Piping Systems

a) General Requirements

All plumbing systems shall be designed and installed in accordance with the Illinois State Plumbing Code except that the number of waterclosets, urinals, lavatories, drinking fountains and other fixtures shall be as required by this Part and the FPC programs.

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of nonabsorptive acid-resistant materials.
 - 2) The water supply spout for lavatories and sinks required for filling pitchers, for medical and nursing staff handwashing shall be mounted so that its discharge point is a minimum perpendicular distance of 5 inches above the rim of the fixture.
 - 3) Handwashing lavatories used by medical and nursing staff shall be trimmed with valves that can be operated without the use of hands where specifically required in this Part.
 - A) When blade handles are used for this purpose the blade handles shall not exceed 4 1/2 inches in length, except the handles on clinical sinks shall not be less than 6 inches in length.
 - B) The handwashing and/or scrub sinks for major procedure rooms shall be trimmed with valves that are aseptically operated (i.e., knee or foot controls) without the use of hands. Wrist blades are not acceptable.
 - 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.
- c) Water Supply Systems
- 1) Systems shall be designed to supply water at sufficient pressure to operate all fixtures and equipment during maximum demand periods.
 - 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
 - 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
 - 4) Bedpan flushing devices shall be provided on each patient toilet unless a clinical service sink is centrally located in each nursing unit. This requirement does not apply to psychiatric units.
 - 5) Water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. Hot water at shower and handwashing facilities shall not exceed 110° F (43° C).
- d) Water Heaters and Tanks
- 1) The water heating equipment shall have sufficient capacity to supply water at the temperatures and quantities in the following areas:

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	Clinical	Laundry
gallons/hour/bed	6 1/2	4 1/2
liters/second/bed	.007	.005
temperature °F	100	180
temperature °C	43	82

Water temperatures are to be taken at hot water point of use or inlet to processing equipment.

- 2) Storage tanks shall be fabricated of corrosion-resistant metal or lined with non-corrosive material.

e) Drainage Systems

- 1) Drain lines from sinks in which acid wastes may be poured shall be fabricated from acid-resistant material.
- 2) Insofar as possible, drain piping shall not be installed over major procedure rooms and similar critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from such overhead piping systems.
- 3) Floor drains shall not be installed in major procedure rooms.
- 4) Building sewers shall discharge into a public sewerage system.
- 5) Where a public sewerage system is not available, plans for any private sewage disposal system shall be submitted to the Environmental Protection Agency of Illinois for review for approval before construction is started.

- f) Nonflammable medical gas systems shall be installed in accordance with NFPA Standard No. 99 (1996), "Health Care Facilities Code."

- g) Clinical vacuum (suction) systems shall be installed in accordance with Compressed Gas Association Pamphlet P-2.1 (1970), "Standard for Medical-Surgical Vacuum Systems in Hospitals."

- h) Medical compressed air systems shall be installed in accordance with Compressed Gas Association Pamphlet P-2.1.

- i) Oxygen, vacuum and medical compressed air shall be piped to the locations indicated in Section 518-TABLE A with the required station outlets.

- j) Service outlets for central housekeeping vacuum systems, if used, shall not be located within major procedure rooms.

- k) Fire Extinguishing Systems

- 1) All fire extinguishing systems shall be designed, installed and maintained in accordance with NFPA Standard No. 101 (1997), "Life Safety Code," NFPA Standard No. 13 (1994), "Sprinkler Systems," and NFPA Standard No. 13A (1987), "Sprinkler System Maintenance."

- 2) Class III, Type 1 inside standpipe system shall be provided in all buildings more than four stories or 55 feet in height. Such standpipe systems shall conform to the requirements of NFPA Standard No. 14 (1980), "Standpipe and Hose Systems."

Section 518.2230 Electrical Requirements

- a) General Requirements

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- 1) All materials including equipment, conductors, controls, and signaling devices shall be installed in compliance with applicable sections of the NFPA Standard No. 70 (1996), "National Electric Code," including Article 517, and as necessary to provide a complete electrical system.
- 2) All electrical installations, including alarm, nurses' call and communication systems, shall be tested to demonstrate that the equipment installation and operation conforms to these requirements.

b) Switchboards and Power Panels

These items shall comply with NFPA Standard No. 70 (1996), "National Electrical Code." The main switchboard shall be located in an area separate from plumbing and mechanical equipment and be accessible only to authorized persons.

- c) Panelboards. Panelboards serving lighting and appliance circuits shall be located on the same floor as the circuits they serve. This requirement does not apply to the life safety system.

d) Lighting

- 1) All spaces occupied by people, machinery, and equipment within buildings, approaches to and through exits from buildings, and parking lots shall have lighting.

- 2) Major procedure rooms shall have general lighting in addition to local lighting provided by special lighting units at the procedure tables. The general lighting shall provide a minimum of 100 footcandles at the procedure tables. Each fixed special lighting unit at the tables shall be connected to an independent circuit.

e) Receptacles (Convenience Outlets)

- 1) Each major procedure room shall have at least two receptacles installed on each wall or eight receptacles in diversified locations per room.

- 2) Each observation/treatment room shall have duplex grounding type receptacles as specified in Article 517-83 and 517-84 of the National Electrical Code. The mounting height of these receptacles shall be 22 to 42 inches above the finished floor.

- 3) Duplex receptacles for general use shall be installed approximately 50'0" apart in all corridors and within 25'0" of the ends of corridors. These receptacles shall be circuited to the emergency system. Single polarized receptacles marked for use of x-ray only shall be located in corridors of patient areas so that mobile equipment may be used in any location within a patient room without exceeding a cord length of 50'0" attached to the equipment. If the same mobile x-ray unit is used in major procedure rooms and in treatment rooms, all receptacles for x-ray use shall be of a configuration that one plug will fit the receptacles in all locations. Where capacitive discharge or battery-powered x-ray units are used, these polarized receptacles are not required.

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f) At least two x-ray film illuminators shall be installed in each major procedure room and in the x-ray viewing room of the radiology department. More than two units shall be installed as needed.

g) Nurses' Calling System

1) Each observation/treatment room shall be served by at least one calling station. Calls shall register with nursing staff and shall activate a visible signal in the corridor at the observation/treatment room door. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two or more calling stations, indicating lights shall be provided at each station. Nurses' calling systems that provide two-way voice communications shall be equipped with an indicating light at each calling station, which will remain lighted as long as the voice circuit is operating.

2) Nurse call duty stations shall be installed in the clean work room, soiled work room, medicine preparation room, nourishment station and nurses' lounge of the unit.

3) A nurses' call emergency station shall be provided for patients' use at each patient's toilet and at the shower. These stations are to be the pull-cord type with the cord reaching within 6 inches of the floor. The cords are to be located within reach of a patient.

4) In areas where patients are under constant surveillance, the nurses' calling system may be limited to a bedside station that will actuate a signal that can be readily seen by the other nurses.

5) A communications system that may be used by nurses to summon assistance shall be provided in each major procedure room.

h) Communication System

1) A loud speaker type sound system shall be provided throughout the facility to allow for announcements, such as paging of personnel and other necessary audio functions.

2) Speakers shall be located in all departments to allow hospital personnel to adequately hear all audio outputs from the system.

3) The system shall be used as the communication link for emergency announcements, i.e., code blue, impending disasters and others. The audio line at the last speaker in the audio circuits shall be electrically supervised against opens and grounds. The supervision shall be indicated at a building location that is staffed 24 hours a day.

i) Emergency Electric Service

1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to the life safety branch, the critical branch, and the equipment branch for lighting and power as established in NFPA Standard No. 70.

2) The source of this emergency electric service shall be as

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follows:

- A) An emergency generating set when the normal service is supplied by one or more central station transmission lines.
- B) An emergency generating set or a central station transmission line when the normal electric supply is generated on the premises.

3) Emergency Generating Set

A) The required emergency generating set, including the prime mover and generator, shall be located on the premises. Where stored fuel is required for the emergency generator operations, the storage capacity shall be sufficient for not less than 24 hours continuous operation.

B) The emergency generator set may be used during periods of high energy demands on local utilities. In the event of an outage of the normal power source, the normal loads shall immediately be removed from the emergency generator set, and the life safety branch, the critical branch, and the equipment branch shall be connected to the generator.

Section 518.2240 Building Requirements

a) Location

The freestanding emergency center shall be conveniently accessible to the population served. In selecting location, consideration shall be given to factors affecting source and quantity of patient load, including highway systems, public transportation, industrial plants, and recreational areas.

b) Parking

One parking space for each staff member on duty at any one time and no fewer than two spaces for each major procedure room and each observation/treatment room shall be provided. Handicapped parking spaces shall be provided as required in the Illinois Accessibility Code (77 Ill. Adm. Code 400). Additional spaces shall be provided for emergency vehicles. Street, public, and shared lot spaces shall be exclusive for the use of the emergency facility. All required parking spaces shall be conveniently located to the emergency entrance.

c) Administration and Public Areas

1) An entrance shall be located at grade level and be able to accommodate wheelchairs.

A) All entrances shall be covered to permit protected transfer of patients from ambulances, and a ramp for wheelchairs and stretchers shall be provided in addition to steps. Doors to emergency services shall be not less than 4 feet wide.

B) The emergency entrance shall have vision panels to minimize conflict between incoming and outgoing traffic and to allow for observation of the unloading area from the control station.

2) A lobby and waiting area shall be provided and shall provide:

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- A) convenient access to wheelchairs and stretchers;
- B) a control station that may be used for triage functions, is in direct communication with medical staff and has direct visual control of the emergency entrance, observation of arriving vehicles, and access to treatment and lobby areas;
- C) waiting areas convenient to the reception and interview areas;
- D) public toilet facilities for males and females.
- 3) Facilities for conducting interviews with patients and others shall be provided and shall include provisions for acoustical privacy.
- 4) General and individual offices shall be provided.
- 5) Clerical spaces shall be provided.
- 6) Multipurpose rooms for staff conferences and consultation shall be provided.
- 7) Equipment and general storage areas shall be provided.
- d) Clinical Facilities
 - 1) At least one major procedure room shall be provided and shall meet the following requirements:
 - A) a minimum clear area of 360 square feet exclusive of cabinets, shelves, door swings and fixed obstructions;
 - B) a minimum clear dimension of 16 feet;
 - C) if laser equipment is to be used, the square footage of this room is to be increased to a clear area of 400 square feet;
 - D) emergency communication equipment connected to the control station;
 - E) x-ray film illuminator;
 - F) mechanical and electrical systems and devices that meet requirements for hospital surgical rooms in the Hospital Licensing Requirements (77 Ill. Adm. Code 250).
- 2) Where additional major procedure rooms are set up for multi-patient use, these rooms shall meet the following requirements:
 - A) a minimum clear area of not less than 180 square feet per patient stretcher or bed;
 - B) a minimum clear dimension of 10 feet per space;
 - C) emergency communication equipment connected to the control station;
 - D) x-ray film illuminator;
 - E) mechanical and electrical devices that meet requirements for hospital surgical rooms in the Hospital Licensing Requirements (77 Ill. Adm. Code 250).
- 3) A holding area for stretchers and wheelchairs within the clinical area shall be provided away from traffic and under staff control.
- 4) A poison control service shall be provided that contains the following services:
 - A) immediately accessible antidotes;
 - B) a file of common poisons; and

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- C) communications links with regional and national poison centers and regional EMS centers.
- 5) A nurses' work and control station shall be located to permit visual control and access to clinical areas and shall contain space and equipment to allow the following services to be provided:
 - A) charting;
 - B) storage of files;
 - C) staff consultation; and
 - D) communication link with exam/treatment, trauma/cardiac, reception control, laboratory, radiology, on-call staff.
- 6) A CPR emergency cart shall be located away from traffic and available to all areas.
- 7) Scrub stations shall be provided at each trauma/cardiac room with water and soap controls operable without the use of hands.
- e) Radiology
 - 1) Facilities for basic diagnostic radiological procedures shall be provided and shall include the following elements:
 - A) a size adequate to accommodate needed equipment with a minimum clearance of 3 feet on all four sides of the table;
 - B) a shielded control alcove with windows providing a full view of the examination table and the patient; and
 - C) a patient toilet accessible from the radiographic room.
 - 2) Film processing facilities shall be provided.
 - 3) Viewing and administrative areas shall be provided.
 - 4) Storage facilities for exposed film shall be provided.
 - 5) Dressing rooms or booths with convenient toilet access shall be provided.
- f) Laboratory
 - 1) Laboratory Facilities shall be provided for the performance of tests in hematology, clinical chemistry, urinalysis, microbiology, anatomic pathology, and cytology to meet the workload described in the functional program.
 - 2) Provisions shall be made for the following procedures to be performed on-site: blood counts, urinalysis, blood glucose, electrolytes, blood urea and nitrogen (BUN), coagulation, and transfusions (type capability). If transport time by an ambulance to the nearest hospital is 10 minutes or less, plasma expanders may be used. If transport time by ambulance to the nearest hospital is greater than 10 minutes, then type O negative blood must be available for transfusion. Provisions shall also be included for specimen collection and processing.
 - 3) The following shall be provided in the laboratory suite:
 - A) Work counters with space for items such as microscopes, chemical analyzers, incubators, and centrifuges; work counters shall include sinks and provisions for fluid disposal, eye washes, vacuum, gases, electrical services, and piped-in air;

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- B) Hand-washing lavatories operable without the use of hands at strategic locations for convenience of use;
- C) Storage facilities;
- D) Chemical safety provisions including emergency showers, eye-flushing devices, and blankets; floor drains at the emergency shower locations;
- E) Flammable liquid storage in the form of vented cabinets designed for use with flammable liquids;
- F) Specimen collection facilities including: blood collection area with work counter, space for patient seating and hand washing (operable without the use of hands); a urine and feces collection room equipped with water and lavatory;
- G) A terminal sterilization facility for contaminated specimens (autoclave or electric oven), unless contaminated waste is disposed of through a licensed waste management service in accordance with Section 518.2150(f)(4); and
- H) If radioactive materials are employed, facilities for long-term storage and disposal of these materials, appropriately shielded to prevent exposure.
- g) Staff locker rooms and toilets shall be provided.
- h) At least one housekeeping room per floor shall be provided. It shall contain a service sink and storage for housekeeping supplies and equipment.
- i) Utility Rooms
- 1) A clean utility room shall be provided and contain the following:
 - A) storage for clean and sterile supplies and equipment;
 - B) work counters;
 - C) hand-washing sinks operable without the use of hands;
 - D) ice maker;
 - E) under-counter refrigerator; and
 - F) communications equipment.
 - 2) A soiled utility room shall be provided and contain the following:
 - A) storage for soiled supplies and equipment;
 - B) work counters;
 - C) hand-washing sinks operable without the use of hands;
 - D) communications equipment; and
 - E) clinical service sink.
- j) Sterile supply and processing rooms shall be provided and may be combined with the clean and soiled utility rooms if the program narrative is approved.
- 1) One-way flow shall be maintained between the soiled supplies, clean up, sterilizing, and storage functions.
 - 2) Storage spaces for clean and sterile supplies and equipment shall be provided.
 - 3) Storage spaces for soiled supplies and equipment shall be provided.
 - 4) There shall be no direct access between the soiled and clean

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- sides of sterile supply and processing.
- 5) Work counters and hand-washing sinks operable without the use of hands shall be provided.
 - 6) A clinical service sink shall be provided on the soiled side.
 - 7) The soiled side shall have equipment for cleaning such as ultrasound, washers, and deep three-compartment sink and tray assembly.
 - 8) A pass-through sterilizer shall be provided.
 - 9) Space shall be provided in the soiled side for processing equipment and tray assembly such as sterilis machines, dryers, tube racks, wrapping and labelling counters.
- k) A nourishment room for the use of patients, conveniently located to the clinical area, shall contain the following:
- 1) work counter;
 - 2) refrigerator;
 - 3) ice maker;
 - 4) hand-washing sink operable without the use of hands; and
 - 5) storage for supplies.
- l) Facilities shall be provided for holding patients until they can be transferred to an appropriate hospital. The size and type of equipment shall be what is required for anticipated patient load and lengths of stay. Each observation bed shall provide for:
- 1) direct visual observation of each patient from the nurses' station;
 - 2) patient privacy;
 - 3) access to patient toilets;
 - 4) secure storage of patients' belongings;
 - 5) medication dispensing;
 - 6) bedpan storage and cleaning;
 - 7) hand-washing facilities without the use of hands;
 - 8) communications system with nurses station; and
 - 9) monitoring capabilities.
- m) A consultation/communications room shall be located within access of the diagnostic and treatment facilities and provide sound isolated for privacy and confidentiality of consultation for the use of the staff during the tele-medicine consultation. The room shall contain the following:
- 1) computer support and telecommunications support equipment necessary for the consultation task;
 - 2) view screens;
 - 3) work counters;
 - 4) storage areas; and
 - 5) additional refrigeration units as required by equipment.
- n) Mobile Transportable Diagnostic Units
- 1) If used, the size of mobile transportable diagnostic units shall limit occupancy and therefore minimize life safety hazards. These units shall be restricted to the following:
 - A) minimum construction of one-hour protected wood frame;

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- B) built-in smoke detectors and sprinkler systems;
C) a two-hour fire separation from the freestanding emergency center;
D) a maximum clear area of 1,000 square feet; and
E) a maximum occupancy of two patients and not more than six persons at any one time.
- 2) Site conditions shall be a consideration in placement of the units. The following elements shall be included in the siting of the unit:
- A) turning radius of vehicles, slopes of approach (6% min.), existing conditions;
 - B) gauss fields of MRI Units, and radio frequency interference;
 - C) properly sized power, including emergency power, water, waste, telephone, fire alarm connections;
 - D) level concrete pads or piers designed for the structural loads of the facility;
 - E) adequate access for cryogen storage units in the case of MRIs;
 - F) covered walkway or enclosure to ensure patient safety from the outside elements;
 - G) diesel exhaust from the tractor unit and/or generator must be kept away from the fresh air intake of the facility; and
 - H) pad anchors and wheel blocks to stabilize unit and prevent movement.
- 3) A room for transition access between the portable unit and the center shall be provided and shall contain the following:
- A) two-hour separation between the exterior wall of the center and the mobile unit;
 - B) hand-washing sink;
 - C) protection from the elements;
 - D) equipment storage;
 - E) communications with control station; and
 - F) patient toilet.

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Section 518. TABLE A Piping Locations for Oxygen, Vacuum and Medical Compressed Air

Location	Oxygen	Vacuum	Compressed Air
Patient Treatment Room	A	A	
Examination and Treatment Rooms	D	D	
Major Procedure Room	E	E	E

A = One outlet accessible to each bed. One outlet may serve 2 beds.
D = One outlet.
E = Two outlets.

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Section 518. TABLE B Insulation/Building Perimeter

Section 518. ILLUSTRATION A Seismic Zone Map

- 1) Zones for insulation/building perimeter requirements shall consist of the counties listed here.

Zone 1 includes the following counties:

Boone	Ford	Kane	Lee	Ogle	Tazewell
Bureau	Grundy	Kankakee	Livingston	Peoria	Warren
Carroll	Henderson	Kendall	Marshall	Putnam	Whiteside
Cook	Henry	Knox	McHenry	Rock Island	Will
DeKalb	Iroquois	Lake	McLean	Stark	Winnebago
DuPage	JobDavies	LaSalle	Mercer	Stephenson	Woodford

Zone 2 includes the following counties:

Adams	Clark	Effingham	Jersey	McDonough	Pike
Bond	Colles	Fayette	Logan	Menard	Sangamon
Brown	Crawford	Fulton	Macon	Montgomery	Schuyler
Calhoun	Cumberland	Greene	Macoupin	Morgan	Scott
Cass	Dewitt	Hancock	Madison	Moultrie	Shelby
Champaign	Douglas	Jasper	Mason	Piatt	Vermilion
Christian	Edgar				

Zone 3 includes the following counties:

Alexander	Gallatin	Johnson	Perry	St. Clair	Washington
Clay	Hamilton	Lawrence	Pope	Saline	Wayne
Clinton	Hardin	Marion	Pulaski	Union	White
Edwards	Jackson	Massac	Randolph	Wabash	Williamson
Franklin	Jefferson	Monroe	Richland		

- 2) The following minimum building perimeter insulation R values shall be provided:

	Roof	Walls	Floors
Zone 1	R-38	R-17	R-19
Zone 2	R-30	R-17	R-19
Zone 3	R-30	R-12	R-11

- 3) All windows shall be glazed with double glazed insulating glass. All exterior windows and door frames shall be constructed of non-cold conducting materials such as wood or metal with a thermal break.

GRAPHIC MATERIAL
See printed copy of IAC for detail

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: Adopted Action:
1040.20 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-106(b)]
- 5) Effective Date of Rulemaking: 7/10/98
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments is on file in the Secretary of State's Principal Office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 5345 (March 20, 1998).
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is being adopted to incorporate recently enacted legislation.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Mark A. Novak
Address: Assistant Counsel to the Secretary
Driver Services Department
2701 S. Dirksen Parkway
Springfield, Illinois
Telephone: 217-782-5356

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The full text of the Adopted Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

- Section
1040.10 Court to Forward Licenses and Reports of Convictions
1040.20 Illinois Offense Table
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
1040.29 2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30 3 or More Traffic Offenses Committed Within 12 Months
1040.31 Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35 Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36 Suspension for Violation of Restrictions on Driver's License
1040.37 Suspension for Violation of Restrictions on Instruction Permit
1040.38 Commission of a Traffic Offense in Another State
1040.40 Repeated Convictions or Collisions
1040.41 Suspension of Licenses for Curfew Violations
1040.42 Fleeing and Eluding
1040.43 Illegal Transportation
1040.46 Fatal Accident and Personal Injury Suspensions or Revocations
1040.48 Vehicle Emission Suspensions
1040.50 Suspension of License of Commercial Vehicle Driver
1040.52 Driver Remedial Education Course
1040.55 Suspension or Revocation for Driver's License Classification Violations
1040.60 Release of Information Regarding a Disposition of Court Supervision
1040.65 Offenses Occurring on Military Bases
1040.66 Invalidation of a Restricted Driving Permit
1040.70 Problem Driver Pointer System
1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100 Rescissions
1040.101 Reinstatement Fees
1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and

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authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13633, effective July 10, 1998.

Section 1040.20 Illinois Offense Table

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (type action) and used as a source of information. In the absence of Statutory Amendment, the following rules shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out herein.

- 1) Classification for convictions of traffic offenses:
Type action Action 68: Record History Item Only

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- Type action 82: Conviction
 Type action 83: Immediate action (no points assigned)
 Type action 85: Conviction (no points assigned)
 Type action 87: Conviction (points assigned)
 Type action 89: Withdrawal (no points assigned)
 Type action 93: Immediate action bond forfeiture (no points assigned)
 Type action 94: Immediate action conviction (no points assigned)
 Type action 95: Bond forfeiture (no points assigned)
 Type action 96: Conviction (no points assigned)
 Type action 97: Bond forfeiture (points assigned)
 Type action 99: Conviction (points assigned)
- 2) Description of Offense: The code used to describe the offense is composed of the chapter and/or Section number of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/Ch. 11], the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 [720 ILCS 5], the Cannabis Control Act [720 ILCS 550], the Illinois Controlled Substances Act [720 ILCS 570], or the Liquor Control Act of 1934 [235 ILCS 5], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1) above, will be a single digit code to identify the specific law which will be as follows:

- 0 - Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act, or the Liquor Control Act of 1934, or the Illinois Identification Card Act
- 1 - Illinois Vehicle Code
- 2 - Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be a "2"
- 4 - Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4]
- 6 - The Illinois Driver Licensing Law
- 7 - Chicago Municipal Ordinance
- 8 - Foreign state and other (all out-of-state convictions to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be an "8")

NOTE: The position for the single digit codes 1, 2, 6, or 8 will be symbolized by a # throughout the point table set out

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herein.

- 3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out herein).
- 4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)], as well as the number of points that should be assigned to those convictions which in turn determines the length and/or type of such action.
- A) A thorough review of literature relating to the general concept of point systems utilized by other states.
- B) A specific review of point systems and ranges of point assignments utilized by other states.
- C) An exhaustive and detailed review of the current Illinois point system.
- D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed and agreed upon by the consensus of the group.
- b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, and the Illinois Controlled Substances Act and the Illinois Identification Card Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, and the Illinois Controlled Substances Act and the Illinois Identification Card Act will not be assigned points but will be entered on the record as type action -93- Bond forfeiture immediate action; or type action -94- conviction immediate action.

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor (Chapter 4 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4])
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony (Chapter 4 of the Illinois Vehicle Title and Registration Law of the

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
4-103.1	103100	4 103 01	Illinois Vehicle Code [625 ILCS 5/ Ch. 4]) Motor Vehicle Anti-Theft Law, conspiracy (Chapter 4 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4]) Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle) Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle) Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle) Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle) Violation of religious bus driver restriction (a serious traffic violation if committed in a commercial motor vehicle) Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle) Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle) Violation of instruction permit
6-101	101000	# 101 00	
6-104(a)	104001	# 104 01	
6-104(b)	104002	# 104 02	
6-104(c)	104003	# 104 03	
6-104(d)	104004	# 104 04	
6-104(e)	104005	# 104 05	
6-104(f)	104006	# 104 06	
6-105	105000	6 105 00	
6-107.1(a)	107110	6 107.1A	

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-107.1(b)	107120	6 107.1B	Violation of curfew law - under the age of 17 Violation of curfew law - under age of 17 (Child Curfew Act [720 ILCS 555]) Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle) Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle) Any felony under the laws of any state or federal government in the commission of which a vehicle was used Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle Notice provided for in Section 1-8 of the Juvenile Court Act [705 ILCS 405/1-8] minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code When any other law of this State requires either the revocation or suspension of such license or permit Driving during the period of suspension/revocation Driving during the period of revocation/suspension To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit To lend his license or permit to any
6-110(a)	110000	6 110 00	
6-113(e)	113501	# 113 E1	
6-113(e)	113502	# 113 E2	
6-205(a)3	205103	# 205 A3	
6-205(a)5	205105	6 205 A5	
6-205(b)1	205201	6 205 B1	
6-205(b)2	205202	6 205 B2	
6-210(1)	210001	# 210 01	
6-210(2)	210002	# 210 02	
6-301(1)	301001	# 301 01	
6-301(2)	301002	# 301 02	

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE ***** other person or knowingly allow the use thereof by another To display or represent as his own any license or permit issued to another To fail or refuse to surrender to the Secretary of State or his agent or any police officer, upon his lawful demand, any license or permit which has been suspended, revoked or cancelled To allow any unlawful use of a license or permit issued to him To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a drivers license or permit for some other person Possess fictitious altered driver's license or permit Possess/display altered fictitious driver's license or permit Possess fictitious altered driver's license or permit Possess fictitious altered driver's license or permit Possess fictitious altered driver's license or permit Issue fictitious driver's license or permit Alter/attempt to alter driver's license or permit Provide ID for obtaining fictitious driver's license or permit Possess fraudulent driver's license or permit Possess/display fraudulent driver's license or permit Possess fraudulent driver's license or permit Possess fraudulent driver's license
6-301(3)	301003	# 301 03	
6-301(4)	301004	# 301 04	
6-301(5)	301005	# 301 05	
6-301(6)	301006	# 301 06	
6-301.1(b)1	301121	# 301121	
6-301.1(b)2	301122	# 301122	
6-301.1(b)3	301123	# 301123	
6-301.1(b)4	301124	# 301124	
6-301.1(b)5	301125	# 301125	
6-301.1(b)6	301126	# 301126	
6-301.1(b)7	301127	# 301127	
6-301.1(b)8	301128	# 301128	
6-301.1(b)9	301129	# 301129	
6-301.2(b)1	301221	# 301221	
6-301.2(b)2	301222	# 301222	
6-301.2(b)3	301223	# 301223	
6-301.2(b)4	301224	# 301224	

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EDPM OFFENSE CODE *****	IVC VIOLATION CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE ***** or permit Possess fraudulent driver's license or permit Possess fraudulent driver's license or permit Possess driver's license making implement Possess stolen driver's license making implement Duplicate/sell fraudulent driver's license or permit Advertise or distribute fraudulent driver's license or permit Present false information in an application for driver's license/ permit Accept false information/ID in an application for driver's license/ permit Make false affidavit, swear or affirm falsely Driving during a suspension or revocation Driving during a revocation or suspension Second or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or while subject to or in violation of an "out-of-service" order No person may drive a commercial motor vehicle while driving privileges, license, or permit is suspended, revoked, cancelled or disqualified
301225	6-301.2(b)5	# 301225	
301226	6-301.2(b)6	# 301226	
301227	6-301.2(b)7	# 301227	
301228	6-301.2(b)8	# 301228	
301229	6-301.2(b)9	# 301229	
301220	6-301.2(b)10	# 301220	
302101	6-302(a)1	# 302101	
302102	6-302(a)2	# 302102	
302103	6-302(a)3	# 302103	
303101	6-303(a)1	# 303 A1	
303102	6-303(a)2	# 303 A2	
303400	6-303(d)	# 303 D0	
507200	6-507(b)	6 507 B0	
507201	6-507(b)1	# 507 B1	

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
<u>6-507(b)2</u>	<u>507202</u>	<u># 507 B2</u>	<u>No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order</u>
<u>6-507-(b)3</u>	<u>507203</u>	<u># 507 B3</u>	<u>No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials</u>
<u>8-101</u>	<u>008000</u>	<u>8000</u>	<u>Failure to show proof of financial responsibility - persons who operate motor vehicles in transportation of passengers for hire</u>
<u>11-204</u>	<u>020400</u>	<u># 0204 00</u>	<u>Fleeing or attempting to elude a police officer</u>
<u>11-204.1</u>	<u>020401</u>	<u># 0204 01</u>	<u>Aggravated fleeing or eluding a police officer</u>
<u>11-401</u>	<u>040100</u>	<u># 0401 00</u>	<u>Leaving scene or failure to report an accident involving death or personal injury</u>
<u>11-402(b)</u>	<u>040202</u>	<u># 0402 02</u>	<u>Leaving the scene of an accident involving damage to a vehicle in excess of \$1000</u>
<u>11-406(a)</u>	<u>040610</u>	<u># 0406 A0</u>	<u>Failure to make report of vehicle accident</u>
<u>11-406(b)</u>	<u>040620</u>	<u># 0406 B0</u>	<u>Failure to make report of school bus accident</u>
<u>11-501(a)1</u>	<u>050111</u>	<u># 0501 A1</u>	<u>Driving with a blood white alcohol concentration above the legal limit is--it--or--more</u>
<u>11-501(a)2</u>	<u>050112</u>	<u># 0501 A2</u>	<u>Driving while under the influence of alcohol</u>
<u>11-501(a)3</u>	<u>050113</u>	<u># 0501 A3</u>	<u>Driving while under the influence of any other drug or combination of drugs</u>
<u>11-501(a)4</u>	<u>050114</u>	<u># 0501 A4</u>	<u>Driving under the combined influence of alcohol and other drug or drugs</u>
<u>11-501(a)5</u>	<u>050115</u>	<u># 0501 A5</u>	<u>Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption</u>

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
<u>11-501(d)1</u>	<u>050141</u>	<u># 0501 D1</u>	<u>of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act</u>
<u>11-501(d)2</u>	<u>050142</u>	<u># 0501 D2</u>	<u>Such person committed a violation of Section 11-501(a) for the third or subsequent time</u>
<u>11-501(d)3</u>	<u>050143</u>	<u># 0501 D3</u>	<u>Such person committed a violation of Section 11-501(a) while driving a school bus with children on board</u>
<u>11-501(d)4</u>	<u>050144</u>	<u># 0501 D4</u>	<u>Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident which resulted in great bodily harm in permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries</u>
<u>11-501(D)1A</u>	<u>501411</u>	<u># 0501D1A</u>	<u>Committed a violation of Section 11-501(a) of the Illinois Vehicle Code for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense</u>
<u>11-501(D)1B</u>	<u>501412</u>	<u># 0501D1B</u>	<u>Convicted of committing a violation of Section 11-501(a) of the Illinois Vehicle Code for the third or subsequent time</u>
<u>11-501(D)1C</u>	<u>501413</u>	<u># 0501D1C</u>	<u>Such person committed a violation of Section 11-501(a) of the Illinois Vehicle Code while driving a school bus with children on board</u>
<u>11-501(D)1D</u>	<u>501414</u>	<u># 0501D1D</u>	<u>Such person, in committing a violation of Section 11-501(a) of the Illinois Vehicle Code, was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries</u>
<u>11-501(A) of the Illinois Vehicle Code</u>			<u>Committed a violation of Section 11-501(A) of the Illinois Vehicle Code</u>

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense
11-504	050400	# 0504 00	Drag racing
11-1301.5(b)1	301521	1 13015B1	To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device
11-1301.5(b)2	301522	1 13015B2	To knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)3	301523	1 13015B3	To knowingly alter any person-with-disabilities license plate or parking decal or device
11-1301.5(b)4	301524	1 13015B4	To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)5	301525	1 13015B5	To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device
11-1301.5(b)6	301526	1 13015B6	To knowingly transfer a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder
11-1301.6(b)1	301621	1 13016B1	To knowingly possess any fraudulent person-with-disabilities license

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-1301.6(b)2	301622	1 13016B2	plate or parking decal or device To knowingly possess without authority any implement to duplicate and/or manufacture any person-with-disabilities license plate or parking decal or device
11-1301.6(b)3	301623	1 13016B3	To knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)4	301624	1 13016B4	To knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)5	301625	1 13016B5	To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device
12-215(g)	221507	# 2215 01	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-215] without lawful authority to stop
CRIMINAL CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
9-3	09003	9 03	Reckless homicide resulting from operation of a motor vehicle
11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	012 05	Conviction of reckless conduct
12-13	012013	12 13	Conviction of criminal sexual assault
12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse
18-3	0018003	18 3	Conviction of vehicular hijacking
18-4	0018004	18 4	Conviction of aggravated vehicular hijacking

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21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241520	24 15B	Conviction of reckless discharge of a firearm
THE LIQUOR CONTROL ACT OF 1934	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	
*****	*****	*****	*****
43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage - Liquor Control Act of 1934
CANNABIS CONTROL ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	
*****	*****	*****	*****
704(a)	070401	704 01	Conviction for violation of Section 4(a) of the Cannabis Control Act concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of Section 4(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but nor more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of Section 4(c) of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of Section 4(d) of the

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704(e)	070405	704 05	Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
705	000705	705 00	Conviction for violation of Section 4(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis
707	000707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult
ILLINOIS CONTROLLED SUBSTANCES ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	
*****	*****	*****	*****
1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(c)	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1402(a)1	014201	1402 01	the unauthorized manufacture or delivery of a controlled substance Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202	1402 02	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206	1402 06	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any salt of an optical isomer of amphetamine or methamphetamine
1402(a)7	014207	1402 07	Conviction for violation of

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1402(a)8	014208	1402 08	Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams, of any substance containing lysergic acid diethylamide (LSD) Conviction for violation of
1402(a)9	014209	1402 09	Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP) Conviction for violation of
1402(a)10	014210	1402 10	Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP) Conviction for violation of
1402(a)11	014211	1402 11	Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II which is not otherwise included in this subsection
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) of the Controlled Substance Act

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ILLINOIS CONTROLLED SUBSTANCES ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	ILLINOIS IDENTIFICATION CARD ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****	*****	*****	*****	*****
1407	014070	1407 00	Adult delivers controlled or counterfeit substance	1407 00	1407 00	Adult delivers controlled or counterfeit substance	concerning the possession of any other amount of a controlled or counterfeit substance
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances	1407 01	1407 01	Adult uses minor to deliver controlled/counterfeit substances	
2103	021003	21 03	Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse	21 03	21 03	Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse	
ILLINOIS IDENTIFICATION CARD ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	ILLINOIS IDENTIFICATION CARD ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****	*****	*****	*****	*****
124-34-14A1	141001	14 1001	To possess, display, or cause to be displayed any canceled or revoked identification card	14 1001	14 1001	To possess, display, or cause to be displayed any canceled or revoked identification card	
124-34-14A2	141002	14 1002	To display or represent as the person's own any identification card issued to another	14 1002	14 1002	To display or represent as the person's own any identification card issued to another	
124-34-14A3	141003	14 1003	To allow any unlawful use of an identification card issued to the person	14 1003	14 1003	To allow any unlawful use of an identification card issued to the person	
124-34-14A4	141004	14 1004	To lend an identification card to another or knowingly allow the use thereof	14 1004	14 1004	To lend an identification card to another or knowingly allow the use thereof	
124-34-14A5	141005	14 1005	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer, upon lawful demand, any identification card which has been revoked or canceled	14 1005	14 1005	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer, upon lawful demand, any identification card which has been revoked or canceled	
124-34-14AB1	141021	14 1201	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card	14 1201	14 1201	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card	
124-34-14AB2	141011	14 1202	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the pur-	14 1202	14 1202	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the pur-	

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ILLINOIS IDENTIFICATION CARD ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	ILLINOIS IDENTIFICATION CARD ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****	*****	*****	*****	*****
124-34-14AB3	141023	14 1203	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction	124-34-14AB3	141023	14 1203	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
124-34-14AB4	141024	14 1204	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided	124-34-14AB4	141024	14 1204	To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
124-34-14AB5	141025	14 1205	To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another	124-34-14AB5	141025	14 1205	To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document
124-34-14AB6	141026	14 1206	To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document	124-34-14AB6	141026	14 1206	To knowingly issue or assist in the issuance of any fictitious identification card
124-34-14AB7	141027	14 1207	To knowingly issue or assist in the issuance of any fictitious identification card	124-34-14AB7	141027	14 1207	To knowingly alter or attempt to alter any identification card
124-34-14AB8	141028	14 1208	To knowingly alter or attempt to alter any identification card	124-34-14AB8	141028	14 1208	To knowingly manufacture, possess, transfer, or provide any identification document for the purpose of obtaining a fictitious
124-34-14AB9	141029	14 1209	To knowingly manufacture, possess, transfer, or provide any identification document for the purpose of obtaining a fictitious	124-34-14AB9	141029	14 1209	

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ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
<u>124-34-14AB10</u>	<u>141210</u>	<u>14 1210</u>	identification card To make application for the purpose of obtaining a fictitious identification card for another person
<u>124-34-14AB11</u>	<u>141211</u>	<u>14 1211</u>	To obtain the services of another person to make application for the purpose of obtaining a ficti- tious identification card
<u>124-34-14BB1</u>	<u>142201</u>	<u>14 2201</u>	To knowingly possess, display or cause to be displayed any frau- lent identification card
<u>124-34-14BB2</u>	<u>142202</u>	<u>14 2202</u>	To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment
<u>124-34-14BB3</u>	<u>142203</u>	<u>14 2203</u>	To knowingly possess any frau- lent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
<u>124-34-14BB4</u>	<u>142204</u>	<u>14 2204</u>	To knowingly possess any frau- lent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
<u>124-34-14BB5</u>	<u>142205</u>	<u>14 2205</u>	To knowingly possess any frau- lent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
<u>124-34-14BB6</u>	<u>142206</u>	<u>14 2206</u>	To knowingly possess any frau- lent identification card with

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ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
<u>124-34-14BB7</u>	<u>142207</u>	<u>14 2207</u>	the intent to use the identifi- cation card to acquire any other identification document To knowingly possess without authority any implement to duplicate or manufacture any license or identification card To knowingly possess any stolen implement for duplicating or manufacturing an identification card
<u>124-34-14BB8</u>	<u>142208</u>	<u>14 2208</u>	To knowingly duplicate, manu- facture, sell or transfer any fraudulent identification card To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card
<u>124-34-14BB9</u>	<u>142209</u>	<u>14 2209</u>	To knowingly duplicate, manu- facture, sell or transfer any fraudulent identification card To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card
<u>124-34-14BB10</u>	<u>142210</u>	<u>14 2210</u>	To knowingly duplicate, manu- facture, sell or transfer any fraudulent identification card To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card

c) Illinois Vehicle Code

The following points assigned violations will be entered on the driving record as type action -97- bond forfeiture or type action -99- conviction

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
6-501	501000	6 501 00	Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50
6-507(A)	507100	6 507 A0	Driving a commercial motor vehicle without a valid driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official	

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-306	030600	# 0306 00	traffic-control device	20
11-308	030800	# 0308 00	Disregarding traffic-control light Disregarding lane-control signal (a serious traffic violation if committed in a commercial motor vehicle)	20
11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(a)	040201	# 0402 01	Collision involving damage to vehicles only - failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision- personal injury involved	50
11-404	040400	# 0404 00	Failure to notify owner after collision with unattended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55
11-505	050500	# 0505 00	Squealing or screeching tires	10
11-601(a)	060100	# 0601 00	Speeding too fast for conditions (a serious traffic violation if committed in a commercial motor vehicle)	10

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-601(b)	060108	# 0601 08	26-29 MPH above limit (a serious violation if com- mitted in a commercial motor vehicle)	50
11-601(b)	060109	# 0601 09	Over 29 MPH above limit (a serious violation if com- mitted in a commercial motor vehicle)	50
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605(a)	060501	# 0605 01	Exceeding the maximum speed limit in a school zone (a serious violation in a commercial motor vehicle)	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or	

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-701	070100	# 0701 00	elevated structure Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle) Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	10
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	070600	# 0706 00	Driving on left side of roadway where prohibited (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-707(d)	070704	# 0707 04	violation if committed in a commercial motor vehicle) No passing in unincorporated areas where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	20
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	10
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	5
11-709(b)	070902	# 0709 02	Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	POINTS	IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****	*****	*****	*****	*****	*****
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle) Improper entry or exit from controlled access roadway	25	11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or maintenance area	15
11-711(a)	071101	# 0711 01	Operating an improper vehicle on a controlled access roadway	10	11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-711(b)	071102	# 0711 02	Improper turn at intersection	10				Failure to stop at highway construction sign	15
11-801	080100	# 0801 00	Improper U-turn	20				Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-802	080200	# 0802 00	Unsafe movement of vehicle from parked position	15	11-908(c)	090803	# 0908 03	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20
11-803	080300	# 0803 00	Failure to give stop or turn signal	15	11-1002(a)	100201	# 1002 01	Failure to yield right-of-way to pedestrian at an intersection	20
11-804	080400	# 0804 00	Improper stop or turn signal	15				Failure to exercise due care for pedestrian or bicyclist	10
11-805	080500	# 0805 00	Improper arm signal	15	11-1002(d)	100204	# 1002 04	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-806	080600	# 0806 00	Failure to yield right-of-way at intersection	15				Failure to yield to a pedestrian on a sidewalk	20
11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15				Improper passing of street car on the left	10
11-901.1	090101	# 0901 01	Failure to yield right-of-way at T intersection	15				Improper passing on the right or failure to stop	
11-902	090200	# 0902 00	Improper left turn with on-coming traffic	25	11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to a pedestrian at an intersection	20
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20				Failure to yield to a blind or hearing impaired pedestrian	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20	11-1004	100400	# 1004 00	Failure to yield to a pedestrian	20
11-905	090500	# 0905 00	Improper merging into traffic	20				Failure to yield to a pedestrian on a sidewalk	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20	11-1008	100800	# 1008 00	Improper passing of street car on the left	10
11-907	090700	# 0907 00	Failure to yield		11-1101	110100	# 1101 00	Improper passing on the right or failure to stop	

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1103	110300	# 1103 00	for a street car	20
11-1104	110400	# 1104 00	Obstructing street car traffic	5
11-1201	120100	# 1201 00	Driving through safety zone	20
11-1202	120200	# 1202 00	Failure to stop for approaching railroad train or signal	20
11-1203	120300	# 1203 00	Failure to stop at railroad grade crossing	20
11-1204	120400	# 1204 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1205	120500	# 1205 00	Disregarding stop or yield sign at an intersection	20
11-1402(a)	140201	# 1402 01	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(b)	140202	# 1402 02	Limitations on backing Limitations on backing upon controlled access highway	10
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	20
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel - reckless driving	5
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	55
11-1405	140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	141201	# 1412 01	Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	5
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (a serious	20

CHICAGO
TRAFFIC
CODE

7-201

EDPM
OFFENSE
CODE

201000

ABSTRACT
DESCRIPTION
CODE

7 201 00

POINTS

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1418	141800	# 1418 00	traffic violation if committed in a commercial motor vehicle)	25
11-1505	150500	# 1505 00	Illegal operation of farm tractor upon highway	10
11-1505.1	150501	# 1505 01	Improper position of motorized pedalcycles on roadways	10
11-1507.1	150701	# 1507 01	Riding motorized pedalcycle more than two abreast on roadways	10
11-1510(b)	151020	# 1510 B0	Violation of lamps on motorized pedalcycles	10
12-201(b)	220102	# 2201 02	Improper left turn on pedalcycle	10
12-208(a)	220801	# 2208 01	Head, tail or side light violation	10
12-208(b)	220802	# 2208 02	No turn lights	5
12-208(c)	220803	# 2208 03	No turn signal lights	5
12-301	230100	# 2301 00	No turn signal lights on Defective brakes	5
12-804	280400	# 2804 00	School bus identification and warning light violation	20
15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	5
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	15
15-114	511400	# 5114 00	Improper pushing of another vehicle	10

d) City of Chicago Traffic Regulations - Chapter 27 of the Municipal Code
of Chicago
The following point assigned violations will be entered on the driving
record as type action - 97 - bond forfeiture or type action - 99 -
conviction

POINTS

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-202	202000	7 202 00	traffic-control device	20
7-203	203000	7 203 00	Disregarding traffic-control light	20
7-204	204000	7 204 00	Disregarding flashing traffic signal	20
7-205	205000	7 205 00	Disregarding lane control light	20
7-210	210000	7 210 00	Avoiding official traffic-control device	20
7-211	211000	7 211 00	Driving motor-driven cycle on access roadway	10
7-212	212000	7 212 00	Improper traffic lane usage	20
7-212.01	212001	7 212 01	Speeding too fast for conditions	10
7-212.03	212003	7 212 03	1 - 10 MPH above limit	5
7-212.05	212005	7 212 05	11 - 14 MPH above limit	15
7-212.07	212007	7 212 07	15 - 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
7-213	213000	7 213 00	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
7-214	214000	7 214 00	Driving below minimum speed limit	5
7-215	215000	7 215 00	Improper turn at intersection	10
7-216	216000	7 216 00	Improper or illegal turn on red signal light	20
7-217	217000	7 217 00	Improper U-turn	10
7-218	218000	7 218 00	Improper U-turn in loop district	10
7-219	219000	7 219 00	Disobeying no-turn sign	10
7-220	220000	7 220 00	Driving wrong way on one-way street	5
7-221	221000	7 221 00	Driving wrong way on one-way street - restrictive period	5
			Disregarding stop sign at	

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NOTICE OF ADOPTED AMENDMENTS

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-222	222000	7 222 00	intersection	20
7-223	223000	7 223 00	Failure to yield right-of-way at stop intersection	20
7-224	224000	7 224 00	Failure to yield right-of-way upon emerging from alley or driveway	20
7-225	225000	7 225 00	Entering intersection when traffic is obstructed	20
7-226	226000	7 226 00	Failure to observe yield right-of-way	20
7-227	227000	7 227 00	Failure to stop for approaching railroad train or signal	20
7-228	228000	7 228 00	Failure to observe bridge signal	20
7-229	229000	7 229 00	Failure to yield right-of-way to emergency vehicles	15
7-230	230000	7 230 00	Failure to yield right-of-way to pedestrian at intersection	20
7-231	231000	7 231 00	Failure to yield right-of-way at intersection	15
7-232	232000	7 232 00	Failure to yield right-of-way to pedestrian	20
7-233	233000	7 233 00	Failure to yield right-of-way to equestrian	20
7-236(a)	236001	7 236 01	Failure to yield right-of-way to blind person	20
7-236(b)	236002	7 236 02	Improper passing on the left	20
7-237	237000	7 237 00	Failure to yield right-of-way to vehicle passing on the left	20
			Improper passing on the right	20

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NOTICE OF ADOPTED AMENDMENTS

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway	5
7-240	240000	7 240 00	Passing stopped school bus receiving or discharging children	25
7-241	241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	247000	7 247 00	Driving in area designated as play street	20
7-248	248000	7 248 00	Driving on sidewalk or parkway	20
7-249	249000	7 249 00	Driving through safety zone	20
7-250	250000	7 250 00	Driving in bus lane	20
7-251	251000	7 251 00	Driving on left side of roadway where prohibited	20
7-252	252000	7 252 00	Improper backing	10
7-253	253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	255000	7 255 00	Negligent driving	10
7-256	256000	7 256 00	Following too closely	10
7-257	257000	7 257 00	Failure to exercise due care for pedestrian	25
7-260	260000	7 260 00	Unsafe movement of vehicle from parked position	10
7-261	261000	7 261 00	Failure to give stop or turn signal	15
7-262	262000	7 262 00	Improper stop or turn signal	15
7-266	266000	7 266 00	Improper towing or pushing of vehicle	15
7-270	270000	7 270 00	Failure to drive within bus lane - bus drivers	10
7-271	271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	278000	7 278 00	Illegal operation of	20

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NOTICE OF ADOPTED AMENDMENTS

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-342	342000	7 342 00	motorcycle or motor driven cycle	10
7-346	346000	7 346 00	Defective brakes	20
7-359	359000	7 359 00	Head, tail, or side light violation	10
7-369	369000	7 369 00	Towing vehicles without bar or other safety device	10
7-402(c)	402003	7 402 03	Failure to notify owner after collision with unattended vehicle	25
			Restricted turn signs - prohibited right or left turn	10

e) Illinois Vehicle Code
The following violations will be entered on the driving record as type action - 95 - bond forfeiture or type action - 96 - conviction with no point value

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation
12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the seat belt act
12-712(a)	271201	# 2712 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle

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NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
12-712(a)	271301	# 2713 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
1104	001104	# 01104 00	Violation of the Child Passenger Protection Act [625 ILCS 25] child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act [625 ILCS 25] child age 4 but under age 6

f) City of Chicago Traffic Regulations - Chapter 27 of the Municipal Code of Chicago
The following violations will be entered on the driving record as type action - 95 - Bond forfeiture or type action - 96 - conviction with no point value

CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
7-235	235000	7 235 00	Driving through a Funeral procession
7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a Funeral procession
7-342.1	342001	7 342 01	Violation of seat belt act
7-347	347000	7 347 00	Spot light violation
7-348	348000	7 348 00	Other light violation
7-349	349000	7 349 00	Front red or flashing light

g) Case Review

- 1) After each case is entered to the appropriate, driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension or revocation, or disqualification by automated computer programs using criteria set forth in 92 Ill. Adm. Code 1040.
- 2) Driver control action shall be entered upon the driver's record by classification (type action).

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NOTICE OF ADOPTED AMENDMENTS

A) Classification for driver control actions:	
Type action 01	Mandatory Revocation
Type action 02	Discretionary Revocation
Type action 03	Discretionary Suspension
Type action 04	Safety Responsibility Suspension
Type action 05	Financial Responsibility Suspension
Type action 06	Unsatisfied Judgment Suspension
Type action 07	Mandatory Suspension
Type action 08	Cancellation of License
Type action 09	Mandatory Suspension
Type action 17	Statutory Summary Suspension
Type action 18	Vehicle Emissions Suspension
Type action 45	Cancellation/Suspension/ Denial of School Bus Permit
Type action DN	Denial of License and/or Privileges
Type action DQ	Discretionary/Mandatory Disqualification
Type action FR	Family Financial Responsibility Suspension
Type action IV	Invalidation of License
Type action OS	Out of Service Law Enforcement History Item
Type action ZT	Zero Tolerance Suspension
B) Description of driver control action:	
The code used to describe the action is composed of the Chapter and/or Section number of The Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.	

h) Mandatory Revocation - Type Action 01

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-205(a)1	205101	6 205 A1	Reckless homicide
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic

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NOTICE OF ADOPTED AMENDMENTS			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-205(a)5	205105	6 205 A5	accident involving death or personal injury -- violation of Section 11-401 of the Illinois Vehicle Code
6-205(a)6	205106	6 205 A6	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)7	205107	6 205 A7	Three convictions of reckless driving committed within a 12-month period
6-205(a)8	205108	6 205 A8	Conviction of motor vehicle theft as defined in Section 4-102
6-205(a)9	205109	6 205 A9	Conviction of drag racing under Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code
6-205(a)10	205110	6 205 A10	Violation of financial responsibility in operation of motor vehicle for the purpose of hire (Chapter 8)
6-205(a)11	205111	6 205 A11	or for rent (Chapter 9)
6-205(a)12	205112	6 205 A12	Reckless conduct, Section 12-5 of the Criminal Code of 1961
6-205(a)13	205113	6 205 A13	Conviction of aggravated fleeing or eluding a police officer
6-205(b)1	205201	6 205 B1	Violation of Sec. 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle
6-205(c)	205300	6 205 C0	A second or subsequent violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-205(d)	205400	6 205 D0	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code
			Revocation of a restricted driving permit
			Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a

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NOTICE OF ADOPTED AMENDMENTS			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-206(a)1	206101	6 206 A1	accident involving death or injury resulting in death or injury
6-206(a)2	206102	6 206 A2	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)3	206103	6 206 A3	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)4	206104	6 206 A4	Refused or failed to submit to an examination
6-206(a)5	206105	6 206 A5	Ineligible for license or permit under Section 6-103
6-206(a)6	206106	6 206 A6	False statement or knowingly concealed a material fact in application for license or permit
6-206(a)7	206107	6 206 A7	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)8	206108	6 206 A8	Driving while license or permit has been revoked
6-206(a)9	206109	6 206 A9	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)10	206110	6 206 A10	Violation of Curfew Act
6-206(a)11	206111	6 206 A11	Unlawful use of license or permit
6-206(a)12	206112	6 206 A12	
6-206(a)13	206113	6 206 A13	
6-206(a)14	206114	6 206 A14	

i) Discretionary Revocation and Suspensions - Type Action 02 or 03

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NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)15	206115	6 206 A15	under Section 6-301 or 6-301.1 or 6-301.2 of the Illinois Vehicle Code or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]
6-206(a)16	206116	6 206 A16	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 [720 ILCS 5/21-2]
6-206(a)17	206117	6 206 A17	Violation of Section 11-204, fleeing from a police officer
6-206(a)18	206118	6 206A 18	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)19	206119	6 206 A19	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)20	206120	6 206 A20	Has violated Section 6-101 - driving without a valid license
6-206(a)21	206121	6 206 A21	Has violated Section 6-104 - driving without a proper classification on a driver's license
6-206(a)22	206122	6 206 A22	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)23	206123	6 206 A23	Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961
6-206(a)24	206124	6 206 A24	Has been convicted of violating Section 11-502(a) for a second or subsequent time within one year
6-206(a)25	206125	6 206 A25	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense which is the same or similar to an offense specified under Section 6-205 or 6-206
			Has permitted any form of identification to be used by another

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NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)26	206126	6 206 A26	in the application process in order to obtain a license, identification card or permit
6-206(a)27	206127	6 206 A27	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)28	206128	6 206 A28	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)29	206129	6 206 A29	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any Cannabis Prohibited under the Cannabis Control Act while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse while operating a motor vehicle
6-206(a)31	206131	6 206 A31	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle
6-206(a)32	206132	6 206 A32	as enumerated in Section 6-206(a)(29) Refused to submit/failed test(s) as required by Section 11-501.6
6-206(a)33	206133	6 206 A33	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961
6-206(a)34	206134	6 206 A34	A violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
			Two or more convictions of moving traffic violations committed within

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NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-206(a)35	206135	6 206 A35	a 24 month period Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code
6-206(a)36	206136	6 206 A36	Use of fraudulent person-with- disabilities license plate or parking decal or device as defined in Section 11-1301.6 of the Illinois Vehicle Code
6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit

j) Discretionary or Mandatory - Suspension - Type Action 03, 07, 09, 17,
18, or 2T

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NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
7-201			Motor vehicle operator and/or owner of a vehicle involved in an accident in excess of \$500 without liability insurance coverage, with a reasonable possibility of a civil judgment being entered in court
l) Financial Responsibility Suspension - Type Action 05			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
7-305			Failure to maintain proof of financial responsibility (SR-22 insurance) for a 3 year period
m) Unsatisfied Judgment Suspension - Type Action 06			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
7-303			Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle
nk) Cancellation - Type Action 08			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit

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NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)7 + 201107		6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6201(a)8	201108	6 201 A8	Failed to notify Secretary of State of a medical condition which is likely to cause loss of consciousness or loss of ability to safely operate a motor vehicle within 10 days after becoming aware of the condition
6-205(c)	205300	6 205 C0	Cancellation of a permit issued pursuant to a mandatory revocation pursuant to Section 6-205
6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206
6-106.1	106001	6 106 01	Discretionary/mandatory suspension/cancellation/denial of a school bus driver permit pursuant to Section 6-106.1 of the Illinois Vehicle Code
6-106.1(a)	106011		zero tolerance cancellation of school bus driver permit

P) Denial - Type Action DN

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NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-107(c)			Denial of driver's license and/or driving privileges pursuant to Section 6-107(c) of the Illinois Vehicle Code
6-107(d)			Denial of driver's license pursuant to Section 6-107(d) of the Illinois Vehicle Code
g) Discretionary/Mandatory Disqualification - Type Action - DQ			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act
6-514(a)3I	514131	6 514 A3I	Driving under influence of alcohol/other drug(s)
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony
6-514(b)	514200	6 514 B	Second Conviction of violation Sec. 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offense(s) using commercial motor vehicle
6-514(e)	514500	6 514 E	Conviction of 2 or more serious traffic violations within 3 years
6-514(i)1	514901	6 514 I1	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)2	514902	6 514 I2	Conviction for a second violation of

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NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE ***** 6-301.3
EDPM OFFENSE CODE *****
ABSTRACT DESCRIPTION CODE *****
DESCRIPTION OF OFFENSE *****
Invalidation of driver's license or permit pursuant to Section 6-301.3 of the Illinois Vehicle Code

tm) Out-Of-Service - Law Enforcement Sanction History Item - Type Action OS

IVC VIOLATION CODE ***** 6-515
EDPM OFFENSE CODE ***** 515000
ABSTRACT DESCRIPTION CODE *****
DESCRIPTION OF OFFENSE *****
6-515 24 Hour out-of-service order

u) The following violations will not be assigned points but will be entered on the driving record as type action -68- record history item conviction:

ACD CODE *****
DESCRIPTION OF OFFENSE *****

A12 Refused to submit to test for alcohol-Implied Consent Law
A24 Driving under the influence of medication not intended to intoxicate

A30 Possession
A33 Illegal possession of drugs (controlled substances)
A40 Aiding in violation of ignition interlock or immobilization device

A41 Driver violation of ignition interlock or immobilization device
A60 Underage conviction of drinking and driving at 0-.02 BAC
A61 Underage Administrative Per Se - drinking and driving at 0-.02 BAC

B09 Refusal to reveal identity after accident
B10 Refusal to reveal identity after accident - fatal accident

B11 Refusal to reveal identity after accident - personal injury accident
B12 Refusal to reveal identity after accident - property damage accident

B20 Driving while license withdrawn
B21 Driving while license barred

B22 Driving while license canceled
B23 Driving while license denied

B24 Driving while license disqualified

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IVC VIOLATION CODE ***** 6-514 I3
EDPM OFFENSE CODE ***** 514903
ABSTRACT DESCRIPTION CODE *****
DESCRIPTION OF OFFENSE *****
Operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order

6-514 I3 514903
Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order

6-514 I4 514904
Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials

6-514 I5 514905
Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials

6-514 I6 514906
Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials

1) Family Financial Responsibility Suspension - Type Action FR

IVC VIOLATION CODE ***** 7-702
EDPM OFFENSE CODE *****
ABSTRACT DESCRIPTION CODE *****
DESCRIPTION OF OFFENSE *****
Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court

s) Invalidation - Type Action IV

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
B27	Driving while license out-of-service order is in effect
B28	Driving while registration canceled
B29	Driving while registration suspended
B30	Permit unlicensed person to drive
B40	Possess or provide counterfeit or altered document
B42	Possess or provide counterfeit or altered registration or title
B43	Missing, defaced, or obscured license plates
B44	Mutilated document
B45	Mutilated driver's license (includes DL, CDL, and Instruction Permit) or ID
B46	Mutilated registration card or title
B50	Expired or no document (or item) which is required
B52	Expired or no emissions inspection
B53	Expired or no license plates or decal/sticker
B54	Expired or no registration or title
B55	Expired or no vehicle safety inspection
B60	Failed to file document or report as required
B62	Failed to file change of address or name
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical certification/disability information
B70	Failed to show document as required
B71	Failed to show certificate of weight
B72	Failed to show driver's license (includes DL, CDL, and Instruction Permit)
B73	Failed to show emissions or vehicle (safety) inspection
B74	Failed to show insurance certification
B75	Failed to show operator's (driver's) log
B76	Failed to show registration
B77	Failed to show registration, title or driver's license (includes DL, CDL, and Instruction Permit)
B80	Failed to surrender driver's license (includes DL, CDL, and Instruction Permit)
B81	Failed to surrender driver's license, registration, plates or title
B82	Failed to surrender registration, plates or title
B83	False report
B84	False report of accident
B85	False report of emissions inspection
B86	False report of odometer reading or disclosure
B87	False report of operator's (driver's) log
B88	False report of theft
B89	False report of vehicle (safety) inspection
B90	Failed to provide or submit title transfer documents
B93	Loan registration or plated to another person

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
D01	Misrepresentation of identity or other facts
D02	Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D03	Misrepresentation of identity or other facts on application for person with disabilities permit/plates
D04	Misrepresentation of identity or other facts on application for registration or title
D05	Misrepresentation of identity or other facts to avoid arrest or prosecution
D11	Manufacture or produce false emissions or vehicle (safety) inspection certificate
D12	Manufacture or produce false registration or title
D15	Present or use improperly document (or item) not specified
D16	Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
D17	Present or use improperly emissions or vehicle (safety) inspection certification
D18	Present or use improperly insurance certification
D19	Present or use improperly operator's (driver's) log
D20	Present or use improperly registration, plates, or decal/sticker
D21	Present or use improperly registration or title
D26	Use another's registration, plates, or title
D28	Violate limits of registration (manufacturer, transporter, dealer, farm, antiques, etc.)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment
D38	Failure to post security or obtain release from liability
D39	Unsatisfied judgment
D40	Failure to appear
D41	Failure to appear for hearing or mandatory appearance
D42	Failure to appear for or complete department investigation
D43	Failure to appear for or complete examination or re-examination
D44	Failure to appear for or complete required courses
D45	Failure to appear for trial or court appearance
D50	Failure to make required payment
D51	Failure to make required payment of child support
D52	Failure to make required payment of fee
D53	Failure to make required payment of fine and costs
D54	Failure to make required payment of tax
D55	Failure to make required payment of toll
D65	Depositing harmful (including injurious and/or burning) substance on traffic way
D66	Failure to remove harmful substance from traffic way

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
D67	Littering from a motor vehicle
D68	Throwing from vehicle any harmful substance
D71	Exceeding hours on duty limitations
D72	Inability to control vehicle
D73	Obscuring, tampering with, or illegally displaying traffic control device, warning, or instructions
D74	Operating a motor vehicle improperly due to drowsiness
D75	Operating a motor vehicle improperly due to physical or mental disability
D77	Sex offense in a motor vehicle
E03	Operating without HAZMAT safety equipment as required by law
E04	Operating without HAZMAT placards/markings as required by law
E20	Use of equipment prohibited by law
E22	Use of emergency vehicle markings prohibited by law
E30	Defective equipment
E32	Defective emissions control device
E33	Defective HAZMAT safety devices
E35	Defective or noisy exhaust system or muffler
E37	Defective tires
E50	Failure to use equipment as required
E52	Failure to use disabled vehicle lights, reflectors, or flares as required
E53	Failure to use HAZMAT safety devices as required
E57	Failure to use snow tires or chains as required
E70	Equipment used improperly or obstructed
E72	Emissions control device used improperly or obstructed
*****	*****
DHR CODE	DESCRIPTION OF OFFENSE
DE 0	Defective equipment
DS 0	Disability
DS 1	Inability to pass one or more tests required for driver's license
EM 0	Equipment misuse
EM 1	Leaving a vehicle unattended with engine running
ER 0	Equipment regulations
ER 2	Use of equipment prohibited by law
FA 2	Violation of a motor vehicle law resulting in one's own death
FA 3	Suicide by motor vehicle
FE 0	Felony
FR 0	Financial responsibility
FR 1	Unsatisfied judgment

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NOTICE OF ADOPTED AMENDMENTS

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
FR 2	Failure to meet requirements of the security following accident provisions of the Financial Responsibility Law
FR 3	Failure to file future proof of financial responsibility following conviction for violation of motor vehicle laws
FR 4	Failure to file future proof of financial responsibility as required under any other provision of the Financial Responsibility Law
FR 5	Failure to maintain required compulsory driver's license
LI 0	Littering
MR 0	Misrepresentation contribution violation
MR 5	Obtaining or applying for a duplicate driver's license during withdrawal
MR 6	Misrepresentation of identity or other facts to avoid arrest or prosecution
MS 0	Miscellaneous
MS 5	Sex offense in vehicle
RR 0	Required reports, appearances, or documents
RR 1	Failure to file report of accident as required
RR 2	Failure to appear for hearing or trial
RR 3	Failure to surrender driver's license, registration, or title documents as required
RT 0	Registration and titling
RT 3	Misrepresentation of identity or other facts to obtain a vehicle registration or title
RT 4	Displaying a registration or title which is invalid because of alteration, counterfeiting or withdrawal (revocation, suspension, etc.)
RV 1	Recurrence of violations requiring mandatory action of the licensing authority as specified by law
RV 2	Accumulation of violations resulting in mandatory action of the licensing authority because of a statutory point system
RV 3	Accumulation of violations resulting in discretionary action by the license authority
SC 6	Obscuring, tampering with, or illegally displaying traffic control devices, warning, or instructions
VR 0	Violation of restriction licensing requirements
VR 6	Allowing an unlicensed operator to drive
v)ø	The following violations will not be assigned points but will be entered on the driving record as type action -82- conviction immediate action:
ACD CODE	DESCRIPTION OF OFFENSE

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over (detailed field required)
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A25	Driving while impaired - ability definitely impaired
A26	Drinking alcohol while operating a vehicle
A90	DUI at .10 Admin
A94	DUI at .04 Admin
A98	DUI at .08 Admin
B92	Loan driver's license (includes DL, CDL, and Instruction Permit) to another person
D06	Misrepresentation of identity or other facts to obtain alcohol
D07	Possess multiple driver's licenses (including DL, CDL, and Instruction Permit)
D10	Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
D25	Use another person's driver's license (includes DL, CDL, and Instruction Permit)
D27	Violate limited license conditions
D29	Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
D76	Perjury
S95	Speed contest (racing) on road open to traffic

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
C 11	Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more
C 13	Refusal to undergo such testing as is required by any state or jurisdiction
DI 0	Driving while intoxicated violation pertaining to intoxication
DI 1	Driving while under the intoxicating influence of alcohol, narcotics, or pathogenic drugs

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NOTICE OF ADOPTED AMENDMENTS

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
DI 2	Driving while under the intoxicating influence of medication or other substances not intended to produce intoxication as a result of normal use
DI 3	Refusal to submit to a test for alcohol after arrest for driving while intoxicated or suspicion of intoxication
DI 6	Impaired
EM 7	Operating or using a vehicle without consent of the owner
FE 1	Using a motor vehicle as the device for committing a felony
FE 2	Using a motor vehicle in connection with a felony
HR 4	Evading arrest by fleeing the scene of citation or roadblock
HR 5	Evading arrest by extinguishing lights (when lights are required)
MR 1	Misrepresentation of identity or other facts to obtain a driver's license
MR 2	Displaying a driver's license which is invalid because of alteration, counterfeiting, or withdrawal (suspension, revocation, etc.)
MR 3	Displaying the driver's license of another person
MR 4	Loaning a driver's license
SP 1	Contest racing on public traffic way
VR 1	Driving while revoked
VR 2	Driving while suspended
VR 4	Operating contrary to conditions specified on driver's license
VR 5	Operating without being licensed or without license required for type of vehicle operated

w)P) A TA 68 or TA 82 for the following offenses, additional information will be required from the reporting state to determine if the violation if committed in Illinois would result in immediate action points assigned or, non-points assigned. The TA 68 or TA 82 will be converted to the applicable offenses of subsection (b), (c), or (g) of this Section, respectively.

x)P) The following violations will not be assigned points but will be entered on the driving record as type action -83- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A34	Illegal possession of weapon, including firearm
A50	Motor vehicle used in manufacturing, distribution, or dispensing a controlled substance

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A52	Transporting liquor to a minor
B06	Leaving scene of an accident before police arrive - fatal accident
B07	Leaving scene of an accident before police arrive - personal injury accident
B25	Driving while license revoked
B26	Driving while license suspended
B41	Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
B51	Expired or no driver's license (includes DL, CDL, and Instruction Permit)
B91	Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)
U01	Fleeing or evading police or roadblock
U03	Using a motor vehicle in connection with a felony (not traffic offense)
U07	Vehicle homicide
U23	Receiving or disposing of stolen vehicle or its parts
U26	Vehicle theft

DHR
CONVICTION
CODE

*****	*****
C 12	Driving under the influence of alcohol, as prescribed by State law, when committed in a commercial vehicle (disqualification if committed in a commercial motor vehicle)
C 14	Driving a commercial motor vehicle while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial motor vehicle)
C 16	A felony involving the use of a commercial motor vehicle, other than a felony described in C 17 (disqualification if committed in a commercial motor vehicle)
C 17	The use of a commercial vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial vehicle)

Y) The following violations will not be assigned points but will be entered on the driving record as type action -85- conviction:

ACD

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B61	Failed to file accident report
D70	Driver's view obstructed
E01	Operating without equipment as required by law
E21	Use of colored lights and/or siren prohibited by law
E23	Use of radar or laser detector prohibited by law
E34	Defective lights
E54	Failure to use headlight dimmer as required
F02	Child or youth restraint not used properly as required
F04	Seat belt not used properly as required
M30	Following improperly
M56	Improper lane or location - on fire hose
M80	Reckless, careless, or negligent driving
N05	Failure to yield right of way to funeral procession, procession or parade

DHR
CONVICTION
CODE

*****	*****
AC 0	Accident
AC 2	Violation of a motor vehicle law resulting in property damage
AC 3	Violation of motor vehicle law not resulting in damage to persons or property but considered an accident
AC 4	Involvement in an accident considered no indication of fault
DE 1	Operating with defective headlights
DE 3	Operating with defective muffler or exhaust system
DE 4	Operating with defective tires
DE 5	Operating with defective equipment resulting in inability to control vehicle movement properly
DI 5	Administrative per se
DS 2	Operating a motor vehicle improperly because of physical or mental disability
DS 3	Failure to discontinue operating a vehicle after onset of physical or mental disability (including uncontrollable drowsiness)
EM 2	Overloading vehicle with passengers or cargo
EM 4	Creating unlawful noise with vehicle or accessory
EM 5	Failure to dim lights as required
EM 6	Using a vehicle in connection with illegal activity other than a felony
ER 1	Operating without equipment required by law
FA 0	Fatality

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
M12	Failure to obey safety zone	20
M14	Failure to obey sign or traffic control device	20
M15	Failure to obey stop sign	20
M16	Failure to obey traffic signal or light	20
M17	Failure to obey traffic sign	20
M18	Failure to obey warning light or flasher	20
M19	Failure to obey yield sign	20
M25	Failure to stop-basic rule at unsigned intersection, or when entering a roadway	20
M31	Failure to leave sufficient distance for overtaking by other vehicles	20
M34	Following too closely	25
M40	Improper lane or location	20
M41	Failure to keep in proper lane	20
M42	Improper or erratic (unsafe) lane changes	20
M44	Improper lane or location - crossover	20
M45	Improper lane or location - crosswalk	20
M46	Improper lane or location - entrance/exit ramp or way	10
M48	Improper lane or location - in occupied lane	20
M49	Improper lane or location - in human occupant violator or restricted lane	20
M50	Improper lane or location - limited access highway	10
M51	Improper lane or location - median	20
M52	Improper lane or location - not on National Network	20
M57	Improper lane or location - oncoming traffic lane	20
M58	Improper lane or location - road shoulder, ditch, or sidewalk	20
M60	Improper lane or location - slower vehicle lane	20
M61	Improper lane or location - straddling center lines	20
M62	Improper lane or location - traveling in turn (or center) lane	20
M70	Improper passing	10
M71	Passing in violation of posted sign or pavement marking	20
M72	Passing in violation of opposite directions restrictions	10
M73	Passing on wrong side	20
M74	Passing on hill or curve	20
M75	Passing school bus displaying warning not to pass	25
M76	Passing where prohibited	20
M77	Passing with insufficient distance or visibility	20
M84	Reckless driving	55
N01	Failure to yield right of way	20
N03	Failure to yield right of way to cyclist	10

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
N04	Failure to yield right of way (i.e., ambulance, fire equipment, police, etc.)	15
N06	Failure to yield right of way to other vehicle	20
N07	Failure to yield right of way to overtaking vehicle	20
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)	20
N09	Failure to yield right of way to school bus	20
N20	Failure to yield right of way at crosswalk	20
N21	Failure to yield right of way at rotary	20
N22	Failure to yield right of way at stop sign	20
N23	Failure to yield right of way at traffic sign	20
N24	Failure to yield right of way at traffic signal intersection	20
N25	Failure to yield right of way at unsigned intersection	15
N26	Failure to yield right of way at yield sign	20
N30	Failure to yield right of way when warning displayed on other vehicle	15
N31	Failure to yield right of way when turning	20
N40	Failure to use or improper signal	15
N42	Failure to signal intent to pass	15
N43	Failure to signal lane change or turn	15
N50	Improper turn	10
N51	Improper method of turning	10
N52	Improper position for turning	10
N53	Making improper left turn	10
N54	Making improper right turn	10
N55	Making improper turn around (not U turn)	10
N56	Making improper U turn	20
N60	Driving wrong way	5
N61	Driving wrong way at rotary intersection	5
N62	Driving wrong way on divided highway	5
N63	Driving wrong way on one way street or road	5
N70	Driving on wrong side	20
N71	Driving on wrong side of divided highway	20
N72	Driving on wrong side of undivided street or road	20
N82	Improper backing	10
N83	Improper starting	15
S01	01-05 mph over speed limit (detail optional)	5
S06	06-10 mph over speed limit (detail optional)	5
S11	11-15 mph over speed limit (detail optional)	15
S15	Speeding 15 mph or more over speed limit (detail optional)	20
S16	16-20 mph over speed limit (detail optional)	20
S21	21-25 mph over speed limit (detail optional)	20
S26	26-30 mph over speed limit (detail optional)	50

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
S31	31-35 mph over speed limit (detail optional)	50
S36	36-40 mph over speed limit (detail optional)	50
S41	41 mph or more over speed limit (detail optional)	50
S50	Speeding in school zone (detail field)	50
S51	01-10 mph over speed limit (detail optional)	5
S61	11-20 mph over speed limit (detail optional)	15
S71	21-30 mph over speed limit (detail optional)	20
S81	31-40 mph over speed limit (detail optional)	50
S91	41 mph or more over speed limit (detail optional)	50
S92	Speeding - speed limit and actual speed (detail required)	10
S93	Speeding	10
S94	Prima facie speed violation or driving too fast for conditions	10
S96	Speed less than minimum	5
S98	Speeding on freeway (wasting fuel)	10
S99	Speeding in school zone (no detail field)	50
U08	Vehicular manslaughter	25

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
AC 1	Violation of a motor vehicle law resulting in bodily injury	25
C 15	Leaving the scene of an accident involving a commercial motor vehicle	25
C 18	Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit when operating a CMV	20
C 19	Driving a CMV in willful or wanton disregard for the safety of persons or property	55
C 20	Reckless driving, as defined by State or local law or regulation, when operating a CMV	55
C 21	Improper or erratic traffic lane changes when operating a CMV	20
C 22	Following the vehicle ahead too closely when operating a CMV	25
C 23	A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation) when operating a CMV	55
DE 2	Operating with defective brakes	20

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NOTICE OF ADOPTED AMENDMENTS

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
DI 4	Illegal possession of alcohol or drugs in motor vehicle	25
EM 3	Towing or pushing vehicle improperly	10
FA 1	Violation of a motor vehicle law resulting in the death of another person	25
FO 1	Following too closely	25
FO 2	Failure of a truck to leave sufficient distance for being overtaken by another vehicle	20
HR 0	Hit and run; leaving the scene; evading arrest	25
HR 1	Failure to stop and render aid after involvement in an accident resulting in bodily injury	50
HR 2	Failure to stop and reveal identity after involvement in an accident resulting in property damage only (disqualification if committed in a commercial motor vehicle)	25
IL 1	Improper lane changing	20
IL 2	Failure to keep in proper lane	20
IL 5	Making improper entrance to or exit from traffic way	10
MS 1	Starting improperly from a parked position	15
MS 2	Improper backing	10
PA 0	Passing	10
PA 1	Passing on a hill, curve or when prohibited by posted signs or pavement markings	10
PA 2	Passing on wrong side	20
PA 3	Passing with insufficient distance allowed for other vehicles or with inadequate visibility	20
PA 4	Passing school bus taking on or discharging passengers or displaying warning not to pass	25
PA 5	Failure to signal intention to pass	15
PA 6	Failure to yield to overtaking vehicle	20
RK 1	Headless, willful, wanton or reckless disregard of the rights and safety of others in operating a motor vehicle, endangering persons or property	55
RW 1	Failure to yield right-of-way to emergency or other authorized vehicle	15
RW 2	Failure to yield right-of-way at yield sign, after stop sign, or when emerging from private traffic way	20
RW 3	Failure to yield right-of-way in a manner required at unsigned intersection	15
RW 4	Failure to yield right-of-way to pedestrian, animal rider or animal-drawn vehicle as required	20
SC 0	Signs and control devices	20

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NOTICE OF ADOPTED AMENDMENTS

DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
SC 1	Failure to follow instructions of a police officer	10
SC 2	Failure to obey traffic instructions stated on traffic sign or shown by traffic control device	20
SC 5	Failure to observe safety zone	20
SI 0	Signaling intentions	15
SI 1	Failure to signal intention to change vehicle direction or to reduce speed suddenly	15
SI 2	Giving wrong signal	15
SP 0	Speeding	15
SP 2	Prima facie speed violation for driving too fast for conditions	10
SP 3	Speed in excess of posted maximum	5
SP 4	Speed less than posted minimum	5
TU 3	Making improper turn	15
WW 1	Driving wrong way on one-way street	5
WW 2	Driving on wrong side of road	20
WW 3	Driving in wrong direction at rotary intersection	5

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****

A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over .10 (detail field required)
A12	Refused to submit to test for alcohol-Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A24	Driving under the influence of medication not intended to intoxicate
A25	Driving while impaired - ability definitely impaired
A26	Drinking alcohol while operating a vehicle
A27	Driving after drinking - level of intoxication or impairment not known
A30	Possession
A31	Illegal possession of alcohol
A32	Illegal possession of alcohol or drugs
A33	Illegal possession of drugs (controlled substances)
A34	Illegal possession of weapon, including firearm
A35	Possession of open alcohol container

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A40	Aiding in violation of ignition interlock or immobilization device
A41	Driver violation of ignition interlock or immobilization device
A50	Motor vehicle used in manufacturing, distributing, or dispensing a controlled substance
A51	Transporting liquor illegally
A52	Transporting liquor to a minor
A60	Underage convicted of drinking and driving at 0-.02 BAC
A61	Underage Administrative Per Se - drinking and driving at 0-.02 BAC
A90	DUI at .10 Admin
A94	DUI at .04 Admin
A98	DUI at .08 Admin
B01	Hit and run - failure to stop and render aid after accident
B02	Hit and run - failure to stop and render aid after accident - fatal accident
B03	Hit and run - failure to stop and render aid after accident - personal injury accident
B04	Hit and run - failure to stop and render aid after accident - property damage accident
B05	Leaving accident scene before police arrive
B06	Leaving accident scene before police arrive - fatal accident
B07	Leaving accident scene before police arrive - personal injury accident
B08	Leaving accident scene before police arrive - property damage accident
B09	Refusal to reveal identity after accident
B10	Refusal to reveal identity after accident - fatal accident
B11	Refusal to reveal identity after accident - personal injury
B12	Refusal to reveal identity after accident - property damage accident
B13	Failure of duties upon damaging unattended vehicle or injuring animals
B20	Driving while license withdrawn
B21	Driving while license barred
B22	Driving while license canceled
B23	Driving while license denied
B24	Driving while license disqualified
B25	Driving while license revoked
B26	Driving while license suspended
B27	Driving while license out of service order is in effect
B28	Driving while registration canceled
B29	Driving while registration suspended
B30	Permit unlicensed person to drive
B40	Possess or provide counterfeit or altered document

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B41	Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
B42	Possess or provide counterfeit or altered registration or title
B43	Missing, defaced, or obscured license plates
B44	Mutilated document
B45	Mutilated driver's license (includes DL, CDL, and Instruction Permit) or ID
B46	Mutilated registration card or title
B50	Expired or no document (or item) which is required
B51	Expired or no driver's license (includes DL, CDL, and Instruction Permit)
B52	Expired or no emissions inspection
B53	Expired or no license plates or decal/sticker
B54	Expired or no registration or title
B55	Expired or no vehicle safety inspection
B60	Failed to file document or report as required
B61	Failed to file accident report
B62	Failed to file change of address or name
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical certification/disability information
B70	Failed to show document as required
B71	Failed to show certificate of weight
B72	Failed to show driver's license (includes DL, CDL, and Instruction Permit)
B73	Failed to show emissions or vehicle (safety) inspection
B74	Failed to show insurance certification
B75	Failed to show operator's (driver's) log
B76	Failed to show registration
B77	Failed to show registration, title or driver's license (includes DL, CDL, and Instruction Permit)
B80	Failed to surrender driver's license (includes DL, CDL, and Instruction Permit)
B81	Failed to surrender driver's license, registration, plates or title
B82	Failed to surrender registration, plates or title
B83	False report
B84	False report of accident
B85	False report of emissions inspection
B86	False report of odometer reading or disclosure
B87	False report of operator's (driver's) log
B88	False report of theft
B89	False report of vehicle (safety) inspection
B90	Failed to provide or submit title transfer documents

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B91	Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)
B92	Loan driver's license (includes DL, CDL, and Instruction Permit) to another person
B93	Loan registration or plates to another person
D01	Misrepresentation of identity or other facts
D02	Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D03	Misrepresentation of identity or other facts on application for handicap permit/plates
D04	Misrepresentation of identity or other facts on application for registration or title
D05	Misrepresentation of identity or other facts to avoid arrest or prosecution
D06	Misrepresentation of identity or other facts to obtain alcohol
D07	Possess multiple driver's licenses (includes DL, CDL, and Instruction Permit)
D10	Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
D11	Manufacture or duplicate false emissions or vehicle (safety) inspection certificates
D12	Manufacture or duplicate false registration or title
D15	Present or use improperly - document (or item) not specified
D17	Present or use improperly - emissions or vehicle (safety) inspection certificate
D18	Present or use improperly - insurance certification
D19	Present or use improperly - operator's (driver's) log
D20	Present or use improperly - registration, plates, or decal/sticker
D21	Present or use improperly - registration or title
D25	Use another's driver's license (includes DL, CDL, and Instruction Permit)
D26	Use another's registration, plates, or title
D27	Violate limited license conditions
D28	Violate limits of registration (manufacturer, transporter, dealer, farm, antique, etc.)
D29	Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment
D38	Failure to post security or obtain release from liability
D39	Unsatisfied judgment
D40	Failure to appear
D41	Failure to appear for hearing or mandatory appearance

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
D42	Failure to appear for or complete department investigations
D43	Failure to appear for or complete examination/re-examination
D45	Failure to appear for trial or court appearance
D50	Failure to make required payment
D51	Failure to make required payment of child support
D52	Failure to make required payment of fee
D53	Failure to make required payment of fine and costs
D54	Failure to make required payment of tax
D55	Failure to make required payment of toll
D56	Depositing harmful (including injurious and/or burning) substance on traffic way
D66	Failure to remove harmful substance from traffic way
D67	Littering from a motor vehicle
D68	Throwing from vehicle any harmful substance
D70	Driver's view obstructed
D71	Exceeding hours on duty limitations
D72	Inability to control vehicle
D73	Obscuring, tampering with, or illegally displaying traffic control device, warning, or instructions
D74	Operating a motor vehicle improperly because of drowsiness
D75	Operating a motor vehicle improperly due to physical or mental disability
D76	Perjury
D77	Sex offense in a motor vehicle
E01	Operating without equipment as required by law
E02	Operating without brakes as required by law
E03	Operating without HAZMAT safety equipment as required by law
E04	Operating without HAZMAT placards/markings as required by law
E05	Operating without lights as required by law
E06	Operating without school bus equipment as required by law
E20	Use of equipment prohibited by law
E21	Use of colored lights and/or siren prohibited by law
E22	Use of emergency vehicle markings prohibited by law
E23	Use of radar or laser detector prohibited by law
E24	Use of vehicle lights prohibited by law
E30	Defective equipment
E31	Defective brakes
E32	Defective emissions control device
E33	Defective HAZMAT safety devices
E34	Defective lights
E35	Defective or noisy exhaust system or muffler
E36	Defective school bus equipment
E37	Defective tires
E50	Failure to use equipment as required
E51	Failure to use brakes

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
E52	Failure to use disabled vehicle lights, reflectors, or flares as required
E53	Failure to use HAZMAT safety devices as required
E54	Failure to use headlight dimmer as required
E55	Failure to use lights as required
E56	Failure to use school bus safety equipment as required
E57	Failure to use snow tires or chains as required
E70	Equipment used improperly or obstructed
E71	Brakes used improperly
E72	Emissions control device used improperly or obstructed
E73	Equipment used improperly - making excessive noise
E74	Exhaust system used improperly or obstructed
E80	Failure to correct defects after inspection failure or notice
F01	Safety equipment not used properly as required
F02	Child or youth restraint not used properly as required
F03	Motorcycle safety equipment not used properly as required
F04	Seat belt not used properly as required
F05	Carrying unsecured passengers in open area of vehicle
F06	Improper operation of or riding on a motorcycle
F10	Exceeding or violating size, weight, or passenger cargo limits
F11	Exceeding or violating passenger or cargo limits of vehicle/truck
F12	Exceeding or violating size limits of vehicle/truck
F13	Exceeding or violating weight limits of vehicle/truck
F14	Exceeding or violating passenger or cargo limits of motorcycle
F15	Exceeding or violating size limits of road/bridge/tunnel
F16	Exceeding or violating weight limits of road/bridge/tunnel
F20	Failure to weigh vehicle or stop at weigh station
F21	No/improper trip permit
F22	No warning for protecting load
F23	Spilling, dragging, unsecured or unsafe load
F24	Violation of excess size/weight permit
F30	Failure to place red flags or flares
F31	Failure to set brake(s)
F32	Non-emergency stop
F33	Parking in a handicap zone
F34	Stopping, standing, or parking: obstructing or impeding traffic
F35	Stopping, standing, or parking where prohibited or improper
F40	Improper vehicle used on roadway
F41	Operate or permit vehicle where prohibited or not authorized
F60	Abandoned vehicle
F61	Alteration of emissions control device
F62	Failed to get VIN
F63	Leaving vehicle unattended with engine running

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
F64	Opening vehicle door into moving traffic or while vehicle is in motion
F65	Towing or pushing vehicle improperly
F66	Unsafe condition of vehicle (no specified component)
M01	Failure to obey
M02	Failure to obey barrier
M03	Failure to obey construction or maintenance zone markers
M04	Failure to obey flagger
M05	Failure to obey lane markings or signal
M06	Failure to obey motor carrier rules/regulations
M07	Failure to obey pedestrian control/device
M08	Failure to obey police or peace officer
M09	Failure to obey railroad crossing restrictions
M10	Failure to obey railroad gates, signs, or signals
M11	Failure to obey restricted lane
M12	Failure to obey safety zone
M13	Failure to obey school crossing guard
M14	Failure to obey sign or traffic control device
M15	Failure to obey stop sign
M16	Failure to obey traffic signal or light
M17	Failure to obey traffic sign
M18	Failure to obey warning light or flasher
M19	Failure to obey yield sign
M25	Failure to stop - basic rule at unsigned intersection or when entering roadway
M30	Following improperly
M31	Failure to leave sufficient distance for overtaking by other vehicles
M32	Following emergency vehicle unlawfully
M33	Following fire equipment unlawfully
M34	Following too closely
M40	Improper lane or location
M41	Failure to keep in proper lane
M42	Improper or erratic (unsafe) lane changes
M43	Ran off road
M44	Improper lane or location - crossover
M45	Improper lane or location - crosswalk
M46	Improper lane or location - entrance/exit ramp or way
M47	Improper lane or location - in bicycle lane
M48	Improper lane or location - in occupied lane
M49	Improper lane or location - in human occupant violator or restricted lane
M50	Improper lane or location - limited access highway
M51	Improper lane or location - median
M52	Improper lane or location - not on National Network

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
M53	Improper lane or location - not on route authorized by permit
M54	Improper lane or location - not on truck route
M55	Improper lane or location - on rail or streetcar tracks
M56	Improper lane or location - on fire hose
M57	Improper lane or location - oncoming traffic lane
M58	Improper lane or location - road shoulder, ditch or sidewalk
M60	Improper lane or location - slower vehicle lane
M61	Improper lane or location - straddling center line(s)
M62	Improper lane or location - traveling in turn (or center) lane
M70	Improper passing
M71	Passing in violation of posted sign or pavement marking
M72	Passing in violation of opposite directions restriction
M73	Passing on wrong side
M74	Passing on hill or curve
M75	Passing school bus displaying warning not to pass
M76	Passing where prohibited
M77	Passing with insufficient distance or visibility
M80	Reckless, careless, or negligent driving
M81	Careless driving
M82	Inattentive driving
M83	Negligent driving
M84	Reckless driving
N01	Failure to yield right of way
N02	Failure to yield right of way to animal rider or animal drawn vehicle
N03	Failure to yield right of way to cyclist
N04	Failure to yield right of way to emergency vehicle (i.e., ambulance, fire equipment, police, etc.)
N05	Failure to yield right of way to funeral procession, procession or parade
N06	Failure to yield right of way to other vehicle
N07	Failure to yield right of way to overtaking vehicle
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)
N09	Failure to yield right of way to school bus
N20	Failure to yield right of way at crosswalk
N21	Failure to yield right of way at rotary
N22	Failure to yield right of way at stop sign
N23	Failure to yield right of way at traffic sign
N24	Failure to yield right of way at traffic signal
N25	Failure to yield right of way at unsigned intersection
N26	Failure to yield right of way at yield sign
N30	Failure to yield right of way when warning displayed on other vehicle
N31	Failure to yield right of way when turning

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
N40	Failure to use signal or improper signal
N41	Failure to cancel directional signals
N42	Failure to signal intention to pass
N43	Failure to signal lane change or turn
N44	Giving wrong signal
N50	Improper turn
N51	Improper method of turning
N52	Improper position for turning
N53	Making improper left turn
N54	Making improper right turn
N55	Making improper turn around (not U turn)
N56	Making improper U turn
N60	Driving wrong way
N61	Driving wrong way at rotary intersection
N62	Driving wrong way on divided highway
N63	Driving wrong way on one way street or road
N70	Driving on wrong side
N71	Driving on wrong side of divided highway
N72	Driving on wrong side of undivided street or road
N80	Coasting (operating with gears disengaged)
N81	Clinging to other vehicles
N82	Improper backing
N83	Improper starting
N84	Unsafe operations
S01	01-05 mph above speed limit (detail optional)
S06	06-10 mph above speed limit (detail optional)
S11	11-15 mph above speed limit (detail optional)
S15	Speeding 15 mph or more above speed limit (detail optional)
S16	16-20 mph above speed limit (detail optional)
S21	21-25 mph above speed limit (detail optional)
S26	26-30 mph above speed limit (detail optional)
S31	31-35 mph above speed limit (detail optional)
S36	36-40 mph above speed limit (detail optional)
S41	41 mph or more above speed limit (detail optional)
S50	Speeding in school zone (detail field)
S51	01-10 mph above speed limit (detail optional)
S61	11-20 mph above speed limit (detail optional)
S71	21-30 mph above speed limit (detail optional)
S81	31-40 mph above speed limit (detail optional)
S91	41 mph or more above speed limit (detail optional)
S92	Speeding; speed limit and actual speed (detail required)
S93	Speeding
S94	Prima facie speed violation or driving too fast for conditions
S95	Speed contest (racing) on road open to traffic
S96	Speed less than minimum

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NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
S97	Operating at erratic or suddenly changing speeds
S98	Speeding on freeway (wasting fuel)
S99	Speeding in school zone (no detail field)
U01	Fleeing or evading police or roadblock
U02	Resisting arrest
U03	Using a motor vehicle in connection with a felony (not traffic offense)
U04	Using a motor vehicle in connection with a misdemeanor (not traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U07	Vehicular homicide
U08	Vehicular manslaughter
U20	Damaging or tampering with vehicle
U21	Illegal operation of emergency vehicle
U22	Odometer reading
U23	Receiving or disposing of stolen vehicle or its parts
U24	Removal, falsification, or unauthorized use of VIN or registration plate
U25	Unauthorized use of a vehicle or taking a vehicle without owner consent
U26	Vehicle theft
U30	Violation resulting in accident
U31	Violation resulting in fatal accident
U32	Violation resulting in personal injury accident
U33	Violation resulting in property damage accident
W01	Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)
W10	Withdrawal (reason not specified)
W11	Family report recommended
W12	Immigration law offender
W13	Parental consent withdrawn
W14	Physical or mental disability
W15	Physician's or specialist's report recommended
W20	Unable to pass DL test(s) or meet qualifications
W21	Unable to pass re-examination
W22	Underage for license
W23	Underage possession of tobacco
W24	Underage school dropout
W25	Disobeying terms of probation
W26	Insufficient funds, protested or invalid check
W30	2 serious violations within 3 years
W31	3 serious violations within 3 years

aa)†† The following withdrawals will not be assigned points but will be

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NOTICE OF ADOPTED AMENDMENTS

entered on the driving record as type action -89- withdrawal;

DRH WITHDRAWAL CODE	DESCRIPTION OF OFFENSE
*****	*****
C 11	Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more
C 13	Refusal to undergo such testing as is required by any state or jurisdiction
C 51	Disqualification for driving a CMV while the person's alcohol concentration is 0.04 percent or more
C 52	Disqualification for driving under the influence of alcohol, as prescribed by State law
C 53	Disqualification for refusal to undergo such testing as is required by any state or jurisdiction
C 54	Disqualification for driving a CMV while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))
C 55	Disqualification for leaving the scene of an accident involving a CMV
C 56	Disqualification for a felony involving the use of a CMV as in C 16
C 61	As in C 51, but involving hazardous materials
C 62	As in C 52, but involving hazardous materials
C 63	As in C 53, but involving hazardous materials
C 64	As in C 54, but involving hazardous materials
C 65	As in C 55, but involving hazardous materials
C 66	As in C 56, but involving hazardous materials
C 70	Disqualification for the use of a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as in C 17
C 71	Disqualification for 2nd offense for any combination of violations as described in C 11-C 16
C 80	Disqualification of a driver who during any 3-year period is convicted of two serious traffic violations in separate incidents; disqualification period is 60 days
C 81	Disqualification of a driver who during any 3-year period is convicted of three serious traffic violations in separate incidents; disqualification period is 120 days
C 99	24 Hour Out-of-Service Order
DI 3	Refusal to submit to a test for alcohol after arrest for driving while intoxicated or suspicion of intoxication

(Source: Amended at 22 Ill. Reg. 13834, effective JUL 10 1998)

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
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PUBLIC UNIVERSITIES

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education and the Illinois Public Universities
- 2) Code Citation: 44 Ill. Adm. Code 526
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
526.01	New
526.03	New
526.05	New
526.08	New
526.10	New
526.15	New
526.25	New
526.525	New
526.1005	New
526.1010	New
526.1011	New
526.1030	New
526.1501	New
526.1510	New
526.1520	New
526.1545	New
526.1550	New
526.1580	New
526.2005	New
526.2010	New
526.2012	New
526.2015	New
526.2020	New
526.2025	New
526.2030	New
526.2035	New
526.2036	New
526.2037	New
526.2038	New
526.2040	New
526.2043	New
526.2044	New
526.2045	New
526.2046	New
526.2047	New
526.2050	New
526.2055	New
526.2060	New
526.2080	New

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
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NOTICE OF EMERGENCY RULES

526.2560 New
526.2570 New
526.3005 New
526.4005 New
526.4010 New
526.4015 New
526.4020 New
526.4025 New
526.4030 New
526.4035 New
526.4040 New
526.4505 New
526.4510 New
526.4530 New
526.4535 New
526.4540 New
526.4545 New
526.4570 New
526.5013 New
526.5020 New
526.5023 New
526.5030 New
526.5035 New
526.5325 New
526.5520 New
526.5530 New
526.5540 New
526.5550 New
526.6500 New
526.6510 New
526.7000 New
526.7010 New
526.7015 New
526.7020 New
526.7030 New

4) Statutory Authority: [30 ILCS 500]

5) Effective Date of Rule: July 1, 1998

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they expire: The emergency rules will expire on the effective date of the adopted version of the proposed Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education and the Illinois Public Universities that were published on June 19, 1998 at 22 Ill. Reg. 10719.

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NOTICE OF EMERGENCY RULES

- 7) Date Filed in Agency's Principal Office: June 26, 1998
- 8) Reason for Emergency: Pursuant to Public Act 90-572, the Chief Procurement Officer for Public Institutions of Higher Education and the Public Universities are required to develop and implement a new procurement system for the Public Universities effective July 1, 1998.
- 9) A Complete Description of the Subjects and Issues Involved: The emergency rules implement Public Act 90-572 by providing for a new system for the procurement of supplies and services by the Public Universities.
- 10) Are there any proposed amendments to this Part Pending? Yes. The proposed rules were published on June 19, 1998 at 22 Ill. Reg. 10719.
- 11) Statement of Statewide Policy Objective: The emergency rules neither create nor expand any State mandate for units of local government, school districts, or community college districts.
- 12) Information and questions regarding this rule shall be directed to:

Mr. Robert C. Baker
University of Illinois at Urbana-Champaign
506 S. Wright St., Rm. 207
Urbana, IL 61801
PH: 217-333-3582
FAX: 217-244-7879
e-mail: rbaker@uiuc.edu

The full text of the Emergency Rule begins on the next page:

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
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NOTICE OF EMERGENCY RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER II: CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER
EDUCATION AND BOARDS OF TRUSTEES OF ILLINOIS PUBLIC UNIVERSITIES

PART 526

PROCUREMENT RULES OF THE CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
HIGHER EDUCATION AND THE ILLINOIS PUBLIC UNIVERSITIES

SUBPART A: GENERAL

Section	Title
526.01 EMERGENCY	Authority
526.03 EMERGENCY	Policy
526.05 EMERGENCY	Implementation of This Part
526.08 EMERGENCY	Application
526.10 EMERGENCY	Definition of Terms Used in This Part
526.15 EMERGENCY	Property Rights
526.25 EMERGENCY	

SUBPART B: PROCUREMENT RULES

Section	Rules
526.525 EMERGENCY	

SUBPART C: PROCUREMENT AUTHORITY

Section	Rules
526.1005 EMERGENCY	Procurement Authority of State Purchasing Officers
526.1010 EMERGENCY	Appointment of State Purchasing Officers
526.1011 EMERGENCY	Procurement Authority of the CPO
526.1030 EMERGENCY	Other Procurement Authority of the Universities

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
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NOTICE OF EMERGENCY RULES

Section	Title
526.1501 EMERGENCY	Higher Education Volume of Illinois Procurement Bulletin
526.1510 EMERGENCY	Publication of Higher Education Bulletin
526.1520 EMERGENCY	Required Use of Higher Education Bulletin
526.1545 EMERGENCY	Supplemental Notice
526.1550 EMERGENCY	Error in Notice
526.1580 EMERGENCY	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section	Title
526.2005 EMERGENCY	General Provisions
526.2010 EMERGENCY	Competitive Sealed Bidding
526.2012 EMERGENCY	Multi-Step Sealed Bidding
526.2015 EMERGENCY	Competitive Sealed Proposals
526.2020 EMERGENCY	Small Purchases
526.2025 EMERGENCY	Sole Economically Feasible Source Procurement
526.2030 EMERGENCY	Emergency Procurements
526.2035 EMERGENCY	Competitive Selection Procedures for Professional and Artistic Services
526.2036 EMERGENCY	Other Methods of Source Selection
526.2037 EMERGENCY	Tie Bids and Proposals
526.2038 EMERGENCY	Modification or Withdrawal of Bids or Proposals; Mistakes
526.2040 EMERGENCY	Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section	Title
526.2043	Suppliers

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
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NOTICE OF EMERGENCY RULES

EMERGENCY
526.2044
EMERGENCY
526.2045
EMERGENCY
526.2046
EMERGENCY

Vendor List/Required Use

Prequalification

Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
526.2047
EMERGENCY

Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section
526.2050
EMERGENCY

Specifications and Samples

SUBPART I: CONTRACT TYPE

Section
526.2055
EMERGENCY

Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
526.2060
EMERGENCY

Duration of Contracts - General

SUBPART K: PROCUREMENT FILES

Section
526.2080
EMERGENCY

Written Determinations; Other Procurement Records

SUBPART L: CONTRACT WORKING CONDITIONS

Section
526.2560
EMERGENCY
526.2570
EMERGENCY

Prevailing Wage

Equal Employment Opportunity; Affirmative Action

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
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NOTICE OF EMERGENCY RULES

SUBPART M: CONSTRUCTION AND CONSTRUCTION RELATED SERVICES

Section
526.3005
EMERGENCY

Construction and Construction Related Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
526.4005
EMERGENCY
526.4010
EMERGENCY
526.4015
EMERGENCY
526.4020
EMERGENCY
526.4025
EMERGENCY
526.4030
EMERGENCY
526.4035
EMERGENCY
526.4040
EMERGENCY

Applicability

Authority

Method of Source Selection

Request for Information

Lease Requirements

Purchase Option

Rent Without Occupancy

Local Site Preferences

SUBPART O: PREFERENCES

Section
526.4505
EMERGENCY
526.4510
EMERGENCY
526.4530
EMERGENCY
526.4535
EMERGENCY
526.4540
EMERGENCY
526.4545
EMERGENCY
526.4570
EMERGENCY

Procurement Preferences

Resident Vendor Preference

Correctional Industries

Sheltered Workshops for the Disabled

Gas Mileage

Small Business

Contracting with Businesses Owned and Controlled by
Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
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NOTICE OF EMERGENCY RULES

Section
526.5013 Conflicts of Interest Prohibited by the Code
EMERGENCY
526.5020 Exemptions
EMERGENCY
526.5023 Other Conflicts of Interest
EMERGENCY
526.5030 Revolving Door Prohibition
EMERGENCY
526.5035 Disclosure of Financial Interests and Potential Conflicts of
EMERGENCY Interest

SUBPART Q: CONCESSIONS

Section
526.5325 Granting of Concessions/Reporting
EMERGENCY

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section
526.5520 Suspension
EMERGENCY
526.5530 Cancellation of Contracts
EMERGENCY
526.5540 Violation of Statute or Rule
EMERGENCY
526.5550 Protests
EMERGENCY

SUBPART S: GOVERNMENTAL JOINT PURCHASING

Section
526.6500 General
EMERGENCY
526.6510 No Agency Relationship
EMERGENCY

SUBPART T: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
526.7000 Severability
EMERGENCY
526.7010 University Furnished Property
EMERGENCY
526.7015 Inspections

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
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NOTICE OF EMERGENCY RULES

EMERGENCY
526.7020 Record Retention
EMERGENCY
526.7030 No Waiver of Sovereign Immunity
EMERGENCY

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Filed June 10, 1975; amended at 7 Ill. Reg. 7100, effective June 1, 1983; codified as Part 525 at 8 Ill. Reg. 19827; amended at 13 Ill. Reg. 16510, effective October 10, 1989; amended at 21 Ill Reg. 9413, effective July 15, 1997; Part 525 repealed at 22 Ill. Reg. _____, effective _____, Reg. ~~13905~~, effective ~~01/01/1998~~.

SUBPART A: GENERAL

Section 526.01 Title
EMERGENCY

This Part may be cited as the Higher Education Procurement Rules.

Section 526.03 Authority
EMERGENCY

This Part is promulgated by the Chief Procurement Officer for Public Institutions of Higher Education and the following higher education governing Boards of the State of Illinois: the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Western Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Northern Illinois University and the Board of Trustees of Illinois State University (hereinafter sometimes referred to individually as "University," "State University," or "Public University" and collectively as "Universities," "State Universities," or "Public Universities") in accordance with the provisions of the Illinois Procurement Code (the Code) [30 ILCS 500]. This Part may be amended in accordance with the Code and the Illinois Administrative Procedure Act [5 ILCS 100].

Section 526.05 Policy
EMERGENCY

The principles of competitive bidding and economical procurement practices shall apply to all purchases and contracts by or for the Universities, except

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as otherwise provided by law, this Part and other applicable rules..

**Section 526.08 Implementation of This Part
EMERGENCY**

For the purposes of this Part, any reference to Chief Procurement Officer or CPO means the Chief Procurement Officer for public institutions of higher education as defined in Section 1-15.15 of the Code unless the context indicates otherwise. Implementation by and within the Universities shall be consistent with this Part. Operational interpretations are to be made in a flexible manner designed to secure the Universities' needs and protect the Universities' interests.

**Section 526.10 Application
EMERGENCY**

a) The Code and this Part apply to those procurements for which the vendors were first solicited on or after July 1, 1998.

b) Procurements for which vendors were first solicited on or before June 30, 1998, shall be conducted pursuant to legal requirements in effect at the time of the solicitation. The terms and conditions and the rights and obligations under contracts resulting from such procurements shall not be impaired.

c) A solicitation occurs on or before June 30, 1998, as follows:

1) When advertising was required in the Official State Newspaper, the first advertisement must have run no later than June 30, 1998.

2) When advertising was not required:

A) if the procurement was advertised, even though advertising was not required, the first advertisement must have run no later than June 30, 1998;

B) if the procurement was by direct solicitation by mail, the solicitation must have been postmarked or placed in the control of a private carrier no later than June 30, 1998;

C) if the procurement was by direct solicitation by facsimile transmission, the facsimile transmission must show a transmission date no later than June 30, 1998;

D) if the procurement was solicited in-person or by telephone, the solicitation must have occurred no later than June 30, 1998, and the University officer or employee who made the solicitation must state in writing when the procurement was discussed, and must name the party with whom the discussion took place.

3) In all circumstances, the solicitations must be for the procurement of particular needs. A general discussion to determine if there is any interest on the part of a University in

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the supplies or services of a vendor or vendors, or on the part of a vendor or vendors in providing the supplies or services, is not considered a solicitation.

d) The Code and this Part do not apply to:

1) contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code (for purposes of this subsection (d)(1), "governmental bodies" includes the State Universities and their governing boards);

2) grants;

3) purchase of care;

4) hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;

5) collective bargaining contracts;

6) purchase of real estate; or

7) contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the contracts are approved by the chief legal counsel to the University, or his or her designee, as provided in Section 1-10(b)(7) of the Code. Anticipated litigation is that which a University may prosecute or defend before a court or administrative body and actions necessary to prepare for and conduct the effective legal prosecution or defense of litigation, including, but not limited to, the retention of counsel, investigators, expert witnesses and court reporters.

**Section 526.15 Definition of Terms Used in This Part
EMERGENCY**

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined below, and each term listed in this Section shall have the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Bid" - The response to an Invitation for Bids.

"Bidder" - Any person who submits a bid.

"Brand Name or Equal Specification" - A specification that uses one or more manufacturers' names or catalogue numbers to describe the standard of quality, performance and other characteristics needed to meet University requirements, and that allows the submission of equivalent products.

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"Brand Name Specification" - A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Code" - The Illinois Procurement Code [30 ILCS 500].

"Contract" - The term contract as used in the Code and this Part does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, bonds issued by or on behalf of any University, or contracts, other than for "concessions", where a University is a party, but has no financial obligation to the other parties.

"Contractor or Vendor" - The terms contractor and vendor are used interchangeably for the purposes of the Code and this Part.

"Day" - Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a University holiday, in which event the period shall run to the end of the next business day.

"Invitation for Bids" or "IFB" - The process by which a University requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.

"Items" - Anything that may be procured under this Code.

"Proposal" - The response to a Request for Proposals.

"Purchase of Care" - A contract with a person for the furnishing of medical, educational, psychiatric, vocational, rehabilitation, social, or human services directly to a recipient of a State aid program or in connection with a medical, educational, psychiatric, vocational, rehabilitation, social, or human service program operated by a University. Purchase of care includes services provided or arranged to be provided by a vendor in conjunction with the purchase of care. Such services may include administrative and management services, enrollment, health education, grievance procedures, case management, utilization review, quality assurance, peer review, or marketing. Recipient of a State aid program includes applicants for a State aid program. Services include those that are a necessary adjunct to the provision of the State aid program services or the operation of the University program (e.g., services of an HMO or other managed care entity, case management, utilization review, quality management and administrative services). Services provided to an applicant for a

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State aid program necessary to determine eligibility for the program are included within this definition.

"Qualified Products List" - An approved list of supplies, services, or construction items described by model or catalogue numbers that, prior to competitive solicitation, the University has determined will meet the applicable specification requirements.

"Request for Proposals" or "RFP" - The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.

"Responsible" - In the context of procurement procedures, the apparent ability to undertake and complete successfully the requirements of a contract.

"Responsive" - In the context of procurement procedures, the compliance in all meaningful, material respects with the procurement solicitation.

"Services" - The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance.

"Specification" - Any description of the physical, functional, or performance characteristics, or of the nature of a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" - A specification that has been developed and approved for repeated use in procurements.

"Supplies" - All personal property, including, but not limited to, equipment, materials, printing and insurance and the financing of those supplies.

"Unsolicited Offer" - Any offer other than one submitted in response to a solicitation.

Section 526.25 Property Rights

EMERGENCY

Receipt of an Invitation for Bids or other procurement document, or submission

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of any response thereto or other offer, confers no right to receive an award or contract, nor does it obligate a University in any manner.

SUBPART B: PROCUREMENT RULES

Section 526.525 Rules
EMERGENCY

- a) Procurement shall be conducted in accordance with the Code and this Part except as in this Section.
- b) A University may propose changes to this Part for consideration by the Universities and the CPO. Changes agreed upon by the Universities and approved by the CPO will be proposed by the CPO in a rulemaking under the Administrative Procedure Act.
- c) All proposed rules will be submitted to the Procurement Policy Board (Board) before or during the public comment period established under the Administrative Procedure Act. Rulemaking, except for emergency rulemaking, shall be scheduled so as to allow the Board at least 30 days to provide comments.
- d) Emergency rules will be submitted to the Board for review and comment with as much notice as is reasonably possible. A copy of the adopted emergency rules shall be provided to the Board. The Board shall be given opportunity to comment on rules proposed to replace the emergency rules.

SUBPART C: PROCUREMENT AUTHORITY

Section 526.1005 Procurement Authority of State Purchasing Officers
EMERGENCY

The State Purchasing Officers (SPOs) appointed under Section 526.1010 shall exercise the procurement authority created by the Code for their respective Universities except as otherwise provided by the Code. Each SPO shall have authority to make procurements for the use of his or her employing University in accordance with the Code, this Part and the policies and procedures of the University. An SPO may appoint designees to assist in the performance of the duties and responsibilities of SPO. When an SPO activity is mentioned in a rule, the activity may be conducted by an SPO or a designee of an SPO unless the rule states that the authority to conduct such activity may not be delegated to an SPO designee.

Section 526.1010 Appointment of State Purchasing Officers
EMERGENCY

The executive head of each University shall recommend to the CPO one or more of the University's employees for appointment as a State Purchasing Officer (SPO).

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Upon appointment of the recommended employee or employees by the CPO, each named employee shall be an SPO for the University. In the absence of any appointed SPO, the CPO may exercise the procurement authority of an SPO on behalf of the University.

Section 526.1011 Procurement Authority of the CPO
EMERGENCY

The CPO shall have the procurement authority set forth in the Code. The CPO may appoint designees, including designees within the individual Universities, to assist in the performance of the duties and responsibilities of the CPO. When a CPO activity is mentioned in a rule, the activity may be conducted by the CPO or a designee of the CPO unless the rule states that the authority to conduct such activity may not be delegated to a CPO designee. CPO designees are not authorized to appoint subdesignees.

Section 526.1030 Other Procurement Authority of the Universities
EMERGENCY

- a) Each University retains for itself the authority to make procurements under the jurisdiction of the Capital Development Board, the Illinois Department of Transportation and the Department of Central Management Services in accordance with the Code, the rules adopted by those agencies, and other applicable statutes and rules governing such procurements.
- b) Each University retains for itself the authority to make procurements that are exempt from the application of the Code.

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section 526.1501 Higher Education Volume of Illinois Procurement Bulletin
EMERGENCY

The Higher Education Volume of the Illinois Procurement Bulletin (Higher Education Bulletin) will contain procurement information relating to procurements under the responsibility of the CPO for public institutions of higher education.

Section 526.1510 Publication of Higher Education Bulletin
EMERGENCY

The Higher Education Bulletin will be published electronically and will be updated at least once per month and may be updated as frequently as daily. In the event a fee is charged for subscriptions to the Higher Education Bulletin, free access to the information published in the Higher Education Bulletin will be made available at public libraries or other sites open to the general

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public. The Higher Education Bulletin will also provide users with information on accessing the other volumes of the Illinois Procurement Bulletin.

**Section 526.1520 Required Use of Higher Education Bulletin
EMERGENCY**

Notices of procurement opportunities and other information required by the Code shall be published in the Higher Education Bulletin.

**Section 526.1545 Supplemental Notice
EMERGENCY**

Universities may place advertisements in the Official State Newspaper selected by the Department of Central Management Services or other publications to supplement notice in the Higher Education Bulletin.

**Section 526.1550 Error in Notice
EMERGENCY**

When a required publication contains an error, the error may be corrected by a single notice published in the Higher Education Bulletin.

**Section 526.1580 Direct Solicitation
EMERGENCY**

In addition to giving notice in the Bulletin, the Universities may directly contact prospective vendors by providing copies of Invitations for Bids, Requests for Proposals, or other procurement information. Direct solicitation may be oral or in writing, but care should be taken to ensure that all vendors solicited in this manner receive the same information as provided to others.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

**Section 526.2005 General Provisions
EMERGENCY**

- a) Late Bids or Proposals, Late Withdrawals and Late Modifications
 - 1) Definition. Any bid or proposal received after the time and date for receipt, or at other than the specified location even if on time, is late. Any withdrawal or modification of a bid or proposal received after the time and date set for opening of bids or proposals is late.
 - 2) Treatment. No late bid or proposal will be considered. It is the responsibility of the bidder or offeror to see that the bid or proposal is delivered at the time and place specified. All bids or proposals received after the specified time will be

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marked "received too late for consideration", signed by the SPO and returned unopened. Late modifications and late withdrawals will be treated as set forth in Section 526.2038.

- 3) Records. Records shall be made and, in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.
- 4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.
- b) Extension of Time
 - 1) The SPO may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time for the convenience of the University.
 - 2) After opening bids or proposals, the SPO may request bidders or offerors to extend the time during which the University may accept the bids or proposals, provided that, with regard to bids, no other change is permitted.
- c) Electronic and Facsimile Submissions
 - 1) The Invitation for Bids or Request for Proposals may state that electronic and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the IFB or RFP.
 - 2) Electronic submissions authorized by specific language in the IFB or RFP will be opened in accordance with electronic security measures in effect at the University at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.
 - 3) Facsimile submissions authorized by specific language in the IFB or RFP will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.
- d) Only One Bid or Proposal Received

If only one bid or proposal is received, an award may be made to the single bidder or offeror if the SPO finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:

 - 1) new bids or offers may be solicited, including under sole source (Section 526.2025) or emergency (Section 526.2030) procedures; or
 - 2) the procurement may be canceled.
- e) Alternate or Multiple Bids or Proposals
 - 1) Alternate bids or proposals may be accepted if:
 - A) permitted by the solicitation and in accordance with instructions in the solicitation; or
 - B) only one vendor responded, in which case the alternate

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submission may be evaluated and treated in accordance with Section 526.2025 (Sole Economically Feasible Source Procurement) of this Part; or

- C) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications.

- 2) Multiple bids or proposals may be accepted if:

- A) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or
B) only one vendor responded, then, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.

f) Multiple Items

An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, a "market basket" of items representative of the total requirement, or grand total of all items.

g) All or None Bids or Proposals

All or none bids or proposals may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

h) Conditioning Bids or Proposals Upon Other Awards

Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:

- 1) be rejected unless the vendor removes the condition; or
2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFB's or RFP's provided the University need not delay procurement actions to accommodate the vendor's all or none condition.

i) Unsolicited Offers

- 1) Processing of Unsolicited Offers. The SPO may consider unsolicited offers.

- 2) Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the University.

- 3) Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part except if that unsolicited offer meets the requirements for a small (Section 526.2020), sole source (Section 526.2025), or emergency (Section 526.2030) procurement.

j) Clarification of Bids and Proposals

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The SPO may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification. A clarification is not an opportunity for discussion or for submission of best and final offers as authorized elsewhere in this Part.

k) Supplementary Purchases

- 1) For procurements other than for construction or construction-related professional services, supplementary purchases will be permitted under the following conditions:

When the University issues an award after following the sealed bid or sealed proposal procedure, it may, at any time within 90 days thereafter, issue additional purchase orders or contracts to the same contractor or amendments to the original purchase order or contract for an additional quantity at the same unit price and on the same terms and conditions, if:

- A) The contractor indicates that the additional purchase orders or contracts will be accepted if issued.
B) The market price of the commodities, services, or equipment in question has not gone down since the original purchase.
C) The amount of the additional purchases is not of such magnitude as to constitute a substantial or material variation from the first purchase order or contract.

l) Novation or Change of Name

- 1) Assignment. No University contract is transferable, or otherwise assignable, without the prior written consent of the SPO. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the University. Any purported assignment without prior written consent shall be null and void.

2) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with the University. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

- 3) Contracting for Installment Purchase Payments. Including Interest Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ICS 305].

m) Use of Source Selection Method that is Not Required

- 1) Assignment. No University contract is transferable, or otherwise assignable, without the prior written consent of the SPO. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the University. Any purported assignment without prior written consent shall be null and void.

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If a University uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), the University is not bound to strict compliance with the Code and rules governing the method of source selection used.

- o) Stringing or planning procurements to avoid use of competitive procedures (stringing) is prohibited. Periodic purchases of similar merchandise from several different manufacturers to maintain inventory for resale in a University retail operation is not stringing unless such purchases are planned to avoid use of competitive procedures.
- p) Confidential Data
Vendors must clearly identify any information that is exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.

Section 526.2010 Competitive Sealed Bidding
EMERGENCY

- a) Application
Competitive sealed bidding is the required method of source selection except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- b) Invitation for Bids
 - 1) Use. An Invitation for Bids is used to initiate a competitive sealed bid procurement.
 - 2) Content. An Invitation for Bids shall include, at a minimum, the following:
 - A) Instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered and the maximum time for bid acceptance by the University;
 - B) the purchase description, evaluation factors, delivery or performance schedule and such inspection and acceptance requirements as are not included in the purchase description; and
 - C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
- 3) Incorporation by Reference. An Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.
- c) Bidding Time
Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time will be set to provide

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bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by the Code or this Part.

- d) Bidder Submissions
 - 1) Bid Form. An Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, vendor shall submit bids as instructed.
 - 2) Special envelope for sealed bids. A special envelope may be furnished for return of a sealed bid. If a special envelope is used, such envelope containing the bid will show the following information on the outside:
 - A) Address to which the bid is to be mailed or delivered.
 - B) Date and time of the bid opening.
 - C) Requisition or bid number or other project identification.
 - D) Complete name and address of bidder.
- e) Contents of Bids
 - 1) Period of firm bid. Unless otherwise provided in bid information, the price of each bid must be kept firm for at least 60 days after the bid opening date. A bidder may specify the price will remain firm for a longer period than required by the bid information or this Part. If the bidder has not specified an expiration date for the price, the price will continue to remain firm until the bidder gives notice of intent to terminate the price. After such notice, the University will have 10 days to accept the bid at the original bid price.
 - 2) Maintenance and repair service. If the bid information specifies that maintenance or repair service must be provided by the successful bidder, each bidder will specify in the bid whether the service will be provided by the bidder or through an arrangement with another identified person or firm.
 - 3) Contract pricing. The bid information should define whether prices cover transportation, transit insurance, delivery, installation, and any other costs.
 - 4) Taxes, licenses, assessments and royalties.
 - A) The contractor shall pay all current and applicable city, county, State and federal taxes, licenses or assessments, including federal excise taxes, due on the performance of the contract, including, without thereby limiting the foregoing, those required by the Federal Insurance Contribution Act and the Federal and State Unemployment Tax Acts, together with all royalties due for any proprietary items. The contractor is exclusively liable for the payment of taxes to the respective governments. In the event said taxes, licenses, assessments or royalties, or any part thereof, are in the first instance charged to the University, the contractor shall, upon timely demand of the

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University, pay the University the amount thereof, plus all penalties that may have accrued thereon.

B) The University is exempted by Section 3 of the Use Tax Act [35 ILCS 105/3] from paying any of the taxes imposed by that Act, and sales to the University are exempt by Section 2 of the Retailers' Occupation Tax Act [35 ILCS 120/2] from any of the taxes imposed by that Act. The Department of Revenue of the State of Illinois under Rule No. 15, issued August 9, 1961, has declared that sales of materials to construction contractors for conversion into real estate for schools or charities are not taxable retail sales. The SPO will furnish the vendor with an exemption certification statement upon request.

C) Federal excise tax. Bidders must not include in their prices any allowance for payment of federal excise tax, if the University is exempt from such taxes. If an order or contract is awarded for the purchase of an item that is subject to federal excise tax, the SPO will furnish the vendor with an exemption certificate upon request.

5) Federally financed purchases. For purchases financed in whole or in part by United States Government funds, the contractor and each subcontractor shall comply with all applicable federal statutes and regulations.

6) Bid Samples and Descriptive Literature.

A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.

B) Unsolicited bid samples or descriptive literature are submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids and may not be utilized by the vendor to contest a decision or understanding with the University.

f) Public Notice

1) Publication. Every procurement for supplies and services that must be procured using an Invitation for Bids shall be publicized in the Higher Education Bulletin at least 14 days before the date set for bid opening (see Section 526.1510).

2) Public Availability. A copy of the Invitation for Bids shall be made available for public inspection.

3) Distribution. Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained, generally describe what is needed and indicate the due date for

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bids. Where appropriate, the SPO may require payment of a fee or a deposit for supplying the Invitation for Bids.

g) Pre-Bid Conference

A pre-bid conference may be conducted to enhance understanding of the procurement requirements. The pre-bid conference shall be announced as a part of the Invitation for Bids notice. The conference may be designated as "attendance mandatory" or "attendance optional". The conference should be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the Invitation for Bids unless a change is made by written modification to the Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

h) Amendments to Invitations for Bids

1) Form. Amendments to Invitations for Bids shall be clearly identified and shall reference the portion of the IFB they amend.

2) Distribution. Except as provided in subsection (g) of this Section, amendments shall be made available to all prospective bidders known to have received an Invitation for Bids.

3) Timeliness. Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by facsimile transmission or telephone and confirmed in the amendment.

i) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

j) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification shall be date- and time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Opening and Recording.

A) Bids and modifications shall be opened publicly at the time,

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date and place designated in the Invitation for Bids. Opening shall be witnessed by a University employee or any other person present, but the person opening bids shall not serve as witness. The name of each bidder, the bid price and such other information as is deemed appropriate by the SPO, shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

B) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.

k) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder.

2) Responsibility. Responsibility of prospective vendors is covered by Section 526.2046 (Responsibility) of this Part.

3) Responsiveness. A bid must conform in all material respects to the Invitation for Bids.

A) Product or Service Acceptability. The Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:

- i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;
 - ii) examination of such elements as appearance, finish, taste, or feel;
 - iii) other examinations to determine whether it conforms with any other purchase description requirements.
- B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (k), bids will be evaluated to determine which bidder offers the lowest cost to the University in accordance with the evaluation

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criteria set forth in the Invitation for Bids. Examples of such criteria include, but are not limited to, transportation cost, administrative cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the University has available concerning future use and shall treat all bids equitably.

5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

l) Documentation of Award

Following award, a record showing the successful bidder shall be made a part of the procurement file.

m) Award to Other Than Low Bidder

The SPO, but not a designee, may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the University's best interest. The name of the bidder selected, pricing and the reasons for selecting this bidder instead of the low bidder must be published in the Bulletin.

n) Publicizing Award

The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order, or other clear communication. In procurements over the small purchase limit set in Section 526.2020 (Small Purchases) of this Part, notice of award shall be published in the next available Bulletin. If the contract is awarded to other than the lowest bidder, the notice shall include an explanation of the award.

Section 526.2012 Multi-Step Sealed Bidding
EMERGENCY

When it is considered impracticable to initially prepare a purchase description to support an award based on price, an Invitation for Bids may be issued requesting the submission of unpriced offers to be followed by an Invitation for Bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

Section 526.2015 Competitive Sealed Proposals
EMERGENCY

- a) Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.
- b) The Competitive Sealed Proposal method of source selection may be used to procure the following categories:
 - 1) electronic data processing equipment, software and services;

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- 2) telecommunications equipment, software and services;
 - 3) consulting services;
 - 4) employee benefits and management of those benefits;
 - 5) insurance and banking services; and
 - 6) public utility services not subject to tariff.
- c) Competitive Sealed Proposals may be used on a case-by-case basis when it is determined by the SPO that competitive sealed bidding is either not practicable or advantageous.
- 1) "Practicable" Distinguished From "Advantageous." As used in Section 20-15 (Competitive Sealed Proposals) of the Illinois Procurement Code and in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the University's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the University's best interest. Before a procurement may be conducted by Competitive Sealed Proposals, the SPO shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the University.
 - 2) General Discussion.
 - A) If competitive sealed bidding is not practicable or is not advantageous, Competitive Sealed Proposals should be used.
 - B) The key element in determining whether use of a proposal is advantageous is the need for flexibility. The Competitive Sealed Proposal method differs from competitive sealed bidding in two important ways:
 - i) it permits discussions with competing offerors and changes in their proposals, including price; and
 - ii) it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.
 - C) Where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration, use of competitive sealed proposals is the appropriate procurement method.
 - 3) When Competitive Sealed Bidding Is Not Practicable.

Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule and all other terms and conditions of the Invitation for Bids.

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- Factors to be considered in determining whether competitive sealed bidding is not practicable include:
- A) whether the contract needs to be other than a fixed-price type;
 - B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;
 - C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;
 - D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality and contractual factors in order to determine the most advantageous offering to the University. Quality factors include technical and performance capability and the content of the technical proposal; and
 - E) whether the primary consideration in determining award may not be price.
- 4) When Competitive Sealed Bidding Is Not Advantageous.

A determination may be made to use Competitive Sealed Proposals if it is determined that it is not advantageous to the University, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

 - A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the University; and
 - B) whether the factors listed in subsection (c)(3) of this Section are desirable, in conducting a procurement, rather than necessary; if they are, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.
 - d) Content of the Request for Proposals

The Request for Proposals shall be prepared in accordance with Section 526.2010 (Competitive Sealed Bidding), provided that it shall also include:

 - 1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions; and
 - 2) a statement of when and how price should be submitted.
 - e) Receipt and Registration of Proposals
 - 1) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals. Opening shall be witnessed by a University employee or by any other person present but the person opening proposals shall not serve as witness. A record shall be prepared that shall include

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the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.

- 2) Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only University personnel and contractual agents may review the proposals prior to award.

f) Evaluation of Proposals

- 1) Evaluation Factors in the Request for Proposals. The Request for Proposals shall state all of the evaluation factors, including price, and their relative importance.

- 2) Evaluation. The evaluation shall be based on the evaluation factors set forth in the Request for Proposals. Numerical rating systems may be used but are not required.

g) Proposal Discussions with Individual Offerors

- 1) Purposes of Discussions. Discussions are held to:

- A) promote understanding of the University's requirements and the offerors' proposals; and
- B) facilitate arriving at a contract that will be most advantageous to the University, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.

- 2) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the Request shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.

- 3) Best and Final Offers. The SPO may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The SPO may conduct additional discussions or change the University's requirements and require another submission of best and final offers. The scope of the best and final offer and the number of vendors allowed to participate shall be defined by the SPO. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

h) Award

An award shall be made by the SPO pursuant to a written determination showing the offer of the award was found to be most

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advantageous to the University, based on the factors set forth in the Request for Proposals.

i) Publicizing Awards

The successful offeror shall be notified of award and such notification may be in the form of a letter, purchase order, or other clear communication. Notices of contracts awarded through the Sealed Proposal process shall be published in the next available Higher Education Bulletin.

- 1) When the SPO does not have sufficient information about available supplies or services to issue a Request for Proposals, the SPO may issue a Pre-solicitation Request for Information inviting vendors to submit non-price information about the availability of specified types of supplies or services. Public notice of the Pre-solicitation Request for Information shall be published in the Higher Education Bulletin at least 14 days before the date set for the receipt of information. The submission of information by a vendor in response to a Pre-solicitation Request for Information is not a prerequisite for that vendor to respond to a subsequent IFB or Request for Proposals for the types of supplies or services for which information was solicited, and the issuance of a Pre-solicitation Request for Information does not commit the University to make any procurement of supplies or services of any kind. Confidential information will not be accepted from a vendor in response to a Pre-solicitation Request for Information.

Section 526.2020 Small Purchases

EMERGENCY

a) Application

- 1) Individual procurements of \$10,000 or less for supplies or services (including printing), other than professional and artistic, and \$30,000 or less for construction, may be made using the method of source selection determined by the SPO to be most appropriate to the circumstances.
- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the SPO to be most appropriate to the circumstances.
- 3) The CPO shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter. That percentage change shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.

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- b) In determining whether a contract is under the limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. Where the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small if it has a not-to-exceed limit applicable to the type of procurement (see subsection (a) above).
- d) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- e) If there is a repetitive need for small procurements of the same type, the University should consider issuing a competitive sealed bid or proposal for procurement of those needs.

Section 526.2025 Sole Economically Feasible Source Procurement
~~EMERGENCY~~

- a) Application
The provisions of this Part apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 526.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 526.2030 (Emergency Procurements) of this Part.
- b) Conditions for Use of Sole Source Procurement
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:
 - 1) the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;
 - 2) a sole supplier's items are needed for trial use or testing;
 - 3) a sole supplier's item is to be procured for commercial resale;
 - 4) regulated public utility services are to be procured;
 - 5) the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;
 - 6) the procurement of the media for advertising;
 - 7) the procurement of art or entertainment services or athletic events;
 - 8) the procurement of radio and television broadcast rights; and
 - 9) procurements related to mandated activities of educational, research, public service, or athletic organizations of which the University is a member. Such procurements may include, but are

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- c) Changes
Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract, that are necessary or desirable to complete the project, and that can be best accomplished by the contract holder may be procured under this Section.
- d) SPO to Determine
The determination as to whether a procurement shall be made as a sole source shall be made by the SPO. The determination and the basis therefor shall be in writing. The SPO may specify the application of such determination and the duration of its effectiveness.
- e) Publication of Sole Source Notice
The SPO shall publish in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.
 - 1) If no challenge to this determination is made by a vendor within the 14 day period, the SPO may execute a contract with that vendor.
 - 2) If a challenge is received, the SPO shall consider the information and shall commence a competitive procurement if the SPO determines that more than one economically feasible source may be available and the sole source designation is, therefore, not appropriate, unless an emergency situation exists.
- f) Negotiation in Sole Source Procurement
The SPO shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:
 - 1) the vendor's name;
 - 2) the amount and type of the contract;
 - 3) what was procured; and
 - 4) the identification number of the contract file.
- g) Publicizing Awards
Notices of contracts awarded on a sole source basis shall be published in the next available Higher Education Bulletin. Where publication of the contract price would have a detrimental impact on future procurements of similar supplies or services, as determined in writing by the SPO, the contract price will not be published with the notice of award but such notice shall indicate that price information is available to the public, upon request, from the SPO who conducted the procurement.

Section 526.2030 Emergency Procurements
~~EMERGENCY~~

- a) Applications

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The provisions of this Part apply to every procurement over the small purchase limit set in Section 526.2020 (Small Purchases) of this Part made under emergency conditions.

- b) Definition of Emergency Conditions
- 1) A procurement may be made under this Section in situations in which:
 - A) public health or safety, including the health or safety of any particular person, is threatened;
 - B) immediate repairs are needed to University property to protect against further loss or damage to University property, or to prevent loss or damage to University property;
 - C) immediate action is needed to prevent or minimize serious disruption in University services;
 - D) action is needed to ensure the integrity of University records;
 - E) a supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the University than instituting a competitive procurement under the provisions of this Code for the supplies or services;
 - F) items are available on the spot market or at discounted prices that are for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;
 - G) rare items, such as articles of historical value or art collections, are available for a limited time;
 - H) the opportunity to obtain entertainment performances is available for a limited time;
 - I) immediate action is necessary to avoid lapsing or loss of federal or donated funds;
 - J) it is necessary to extend an existing contract for such limited period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the University; or
 - K) the need for services to protect or further University interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing disadvantages to the University.
 - 2) After Unsuccessful Competitive Sealed Bidding or Proposals or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds and time or other circumstances will not permit

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the delay required to resolicit competitive sealed bids or proposals, or if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.

- c) Scope of Emergency Conditions

Emergency procurement shall be limited to those supplies, services, or construction items necessary to meet the emergency.
- d) Authority to Make Emergency Procurements

A University may make emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods, provided that, whenever practical, existing University or State contracts shall be utilized. The determining SPO shall be responsible for making the filings required in Section 20-30 of the Code.
- e) Source Selection Methods

Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.

 - 1) Determination and Record of Emergency Procurement

Determination. The SPO shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor. Such determinations shall be kept in the contract file of the SPO.
 - 2) Record. An affidavit of each emergency procurement shall be filed with the CPO and the Auditor General within 10 days after the procurement and shall include the following information:
 - A) the vendor's name;
 - B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known);
 - C) a description of what the vendor will do or provide;
 - D) the reasons for using the emergency method of source selection.
 - 3) Notice of the emergency procurement shall be published in the next available Higher Education Bulletin. Where publication of the contract price would have a detrimental impact on future procurements of similar supplies or services, as determined in writing by the SPO, the contract price will not be published with the notice of award but such notice shall indicate that price information is available to the public, upon request, from the SPO who conducted the procurement.

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EMERGENCY

a) Application

1) The provisions of this Section apply to every procurement of professional and artistic services except those subject to the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535].

2) "Professional and artistic services" means those services provided under contract to a University by a person or business, acting as an independent contractor, qualified by education, experience and technical ability.

b) Professional and artistic services are further defined as follows:

1) "Qualified by education" means the individual who would perform the services must have obtained the level of education specified in the Request for Proposals.

2) "Qualified by experience" means the individual who would perform the services must have the level of general experience specified in the Request for Proposals.

3) "Qualified by technical ability" means the individual who would perform the services demonstrates a high degree of skill or ability in performing services that are the same, similar, or closely related in nature to those specified in the Request for Proposals.

4) An essential element distinguishing professional services from other services is confidence, trust and belief in not only the ability, but the talent, of the individual performing the service.

5) Professional and artistic services are primarily for intellectual or creative skills. Contracts for services primarily involving manual skills or labor are not professional and artistic services contracts.

6) If the professional or artistic contract is with a firm or other business entity, the individuals whose education, experience and technical ability provided the basis on which the firm or other business entity was selected must meet the qualifications.

7) When a University requires services that meet the requirements of this subsection (b), the competitive selection procedures described in this Section must be followed. Services that do not meet the requirements of this Section must be procured in accordance with the other methods of source selection authorized by the Code and this Part.

c) The categories of services enumerated below shall be considered and procured as professional and artistic services. With regard to other services, the SPO may determine whether the factors identified in subsection (b), when applied to particular services to be procured, require such services to be procured as professional and artistic

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under these competitive selection procedures, or as services that are subject to one of the other methods of source selection authorized by the Code and this Part. The following categories are examples of disciplines that would always be professional and artistic services:

- 1) law,
- 2) accounting,
- 3) medicine,
- 4) dentistry, and
- 5) clinical psychology.

d) Architect, engineering and land surveying services shall be procured pursuant to the procedures of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. Such procurements are not subject to the procedures for other professional services established in the Code or this Part.

e) Conditions for Use of Competitive Selection Procedures.

Except as authorized under Section 20-25 (Sole Economically Reasonable Source Procurement) or Section 20-30 (Emergency Procurements) of the Code, these competitive selection procedures shall be used for all procurements of professional and artistic services of \$20,000 or more. Services less than \$20,000 and for a nonrenewable term of one year or less may be procured in accordance with Section 526.2020 (Small Purchases) of this Part.

f) Prequalification. The CPO shall maintain a list of prequalified professional and artistic vendors in accordance with Section 526.2045 of this Part. Persons may amend statements of qualifications at any time by filing a new statement. Failure of a professional and artistic vendor to prequalify shall not be cause for rejection of a proposal.

g) Public Notice of Competitive Selection Procedures

1) Notice of the need for professional and artistic services shall be made by the SPO in the form of a Request for Proposals.

2) Notice of the Request for Proposals shall be published in the Higher Education Bulletin at least 14 days before the proposals are due.

3) Notice shall also be distributed to prequalified persons interested in performing the services required by the proposed contract.

h) Request for Proposals

1) Contents. The Request for Proposals shall be in the form specified by the CPO and shall contain at least the following information:

A) the type of services required;

B) a description of the work involved;

C) an estimate of when and for how long the services will be required;

D) the type of contract to be used;

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- E) a date by which proposals for the performance of the services shall be submitted;
 - F) a statement of the minimum information that the proposal shall contain, which may, by way of example, include:
 - i) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;
 - ii) if deemed relevant by the SPO, the age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposals;
 - iii) the abilities, qualifications and experience of all persons who would be assigned to provide the required services;
 - iv) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the Request for Proposals;
 - v) a plan giving as much detail as is practical explaining how the services will be performed;
 - G) price;
 - H) the factors to be used in the evaluation and selection process and their relative importance; and
 - I) a plan for post-performance review.
- 2) Evaluation. Proposals shall be evaluated only on the basis of evaluation factors stated in the Request for Proposals. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:
- A) the plan for performing the required services;
 - B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services and the qualifications and abilities of personnel proposed to be assigned to perform the services;
 - C) the personnel, equipment and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and
 - D) a record of past performance of similar work.
- i) Pre-Proposal Conference
A pre-proposal conference, if appropriate, shall be conducted in accordance with Section 526.2010(g) (Pre-Bid Conference). Such a conference may be held anytime prior to the date established for submission of proposals.
- j) Delivery, Receipt and Handling of Proposals
1) Proposals shall be submitted to and opened by the CPO.

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- A) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals.
 - B) Opening shall be witnessed by a University employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror and a description sufficient to identify the service item offered. The record of proposals shall be open to public inspection after award of the contract.
 - C) Proposals and modifications shall be opened in a manner designed to avoid disclosing contents to competitors. Only University personnel and contractual agents may review the proposals prior to award.
 - D) Proposals of offerors who are not awarded the contract shall not be open to public inspection.
- 2) Transmission to the SPO. The CPO will forward timely proposals to the responsible SPO of the University along with any pertinent information contained in the files of the CPO regarding the vendors who submitted proposals.
- k) Discussions
1) Discussions Permissible. The SPO may conduct discussions with any offeror to:
 - A) determine in greater detail such offeror's qualifications; and
 - B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance and the relative utility of alternative methods of approach.The SPO may allow changes to the proposal based on those discussions.
- 2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors, and the University conducting the procurement shall not disclose any information contained in any proposals until after award of the proposed contract has been made.
- l) Selection of the Best Qualified Offerors
After conclusion of validation of qualifications, evaluation and discussion, the SPO shall rank the acceptable offerors in the order of their respective qualifications.
- m) Evaluation of Pricing Data
Pricing submitted for all acceptable proposals shall be opened and ranked.
 - 1) If the low price is submitted by the most qualified vendor, the SPO may award to that vendor.
 - 2) If the price of the most qualified vendor is not low and if it

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- 3) does not exceed \$25,000, the SPO may award to that vendor.
If the price of the best qualified vendor exceeds \$25,000, the SPO, but not a designee, must state why a vendor other than the low priced vendor was selected and that determination shall be published in the Bulletin.

n) Negotiation and Award of Contract

- 1) General. The SPO shall attempt to negotiate a contract with the best qualified offeror for the required services at fair and reasonable compensation. The SPO may, in the interest of efficiency, negotiate with other vendors, while negotiating with the best qualified vendor.

- 2) Elements of Negotiation. Contract negotiations shall be directed toward:

- A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and
C) agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services, and the scope, complexity and nature of such services.

- 3) Successful Negotiation of Contract with Best Qualified Offeror.

- A) If compensation, contract requirements and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled.

- B) Compensation must be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by the SPO based on the circumstances of the particular procurement, including, but not limited to, the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement and the agency's identified budget.

- 4) Failure to Negotiate Contract with Best Qualified Offeror.

- A) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons therefor shall be placed in the file. The SPO shall advise such offeror of the termination of negotiations.

- B) Upon failure to negotiate a contract with the best qualified offeror, the SPO may enter into negotiations with the next most qualified offeror.

- C) Nothing in this Section shall prohibit the SPO from making a

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selection that represents the best value, qualifications, price and other relevant factors established in the Request for Proposals being considered. The SPO may, in considering best value, determine the proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.

o) Notice of Award

Written notice of award shall be public information and made a part of the contract file. The CPO shall publish the names of the responsible decision makers of the University, the name of the University, the successful vendor, a contract reference number or other identifier and the value of the contract. Publication shall be in the next available issue of the Bulletin.

Section 526.2036 Other Methods of Source Selection
EMERGENCY

a) Split Award

- 1) An award of a definite quantity requirement may be split between bidders or offerors. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. A split award may be used only when award to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.

- 2) The SPO shall make a written determination setting forth the reasons for the split award, which determination shall be made a part of the procurement file.

b) Multiple Award

- 1) A multiple award is an award of an indefinite quantity contract to more than one bidder or offeror when the University is obligated to order all of its actual requirements from those vendors.

- 2) A multiple award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Any multiple award shall be made in accordance with the provisions of Section 526.2010 (Competitive Sealed Bidding), Section 526.2015 (Competitive Sealed Proposals), Section 526.2020 (Small Purchases) and Section 526.2030 (Emergency Procurements), as applicable.

- 3) The University shall reserve the right to take bids separately if a particular quantity requirement arises that exceeds its normal requirement or an amount specified in the contract.

- 4) If a multiple award is anticipated, the solicitation shall state this fact as well as the criteria for award.

- 5) In a multiple award situation, one vendor may be designated as

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the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the SPO.

c) Master Contracts

1) A master contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A master contract is not a procurement. It creates no obligation on the part of the University to procure from the vendor nor does it create an authorization for a University to order based on that master contract, except as provided by subsection (c)(2).

2) Orders may be placed against master contracts without use of any prescribed method of source selection for convenience of processing small procurements. Universities with reasonably defined repetitive small needs that, over the course of a fiscal year, are likely to exceed the small purchase amount set in Section 20-20 of the Code and this Part should consider a competitive method of source selection to contract for those repetitive needs.

d) Auction

Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.

e) Non-governmental Joint Purchase

If the SPO determines in writing that joint procurement with an organization not eligible for joint purchasing under the Governmental Joint Purchasing Act is in the best interests of the University, the SPO may enter into an agreement with such an organization for the joint procurement of any item covered by the Code. Any method of source selection may be used and may be modified or adapted to meet the needs of the non-State entity.

f) Federal Requirements

The SPO for a University receiving federal funds, grants, or loans may conduct procurements in accordance with federal requirements necessary to receive or maintain those federal funds, grants or loans.

g) Foreign Country Procurement

Procurements to meet the needs of University programs located in foreign countries shall comply with the Code and this Part whenever practicable. The SPO shall maintain a record of such action.

h) Donations

When a procurement will have the majority of funding from a donation, the terms of which donation require use of particular procurement or contracting procedures, the SPO may follow those procedures, but shall follow the Code and this Part whenever practicable.

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Section 526.2037 Tie Bids and Proposals
EMERGENCY

a) Tie bids or proposals are those from responsive and responsible vendors that are identical in price or evaluation and represent the low price.

b) Tie bids or proposals will be treated as follows:

1) If the tied vendors include an Illinois resident vendor, the Illinois resident vendor shall be given the award. In all other situations, including if two or more Illinois resident bidders are tied, the decision shall be made in accordance with subsections (b)(2) through (5). "Illinois resident vendor" has the meaning given in Section 526.4510 (Resident Vendor Preference) of this Part.

2) If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award will be made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the University shall be given additional consideration in determining responsibility if the SPO determines that dealing with a vendor that has knowledge of University requirements, contracts, job sites, payment practices and such other factors and with which there has been favorable past experience increases the likelihood of successful performance.

3) If there is no significant difference in responsibility, but there is a difference in the quality of the supplies or services offered, the vendor offering the best quality will be accepted.

4) If there is no significant difference in responsibility and no difference in quality of the supplies or services offered, the vendor offering the earliest delivery time will be accepted in any case in which the solicitation specified that the needs of the requisitioning University require delivery as early as possible.

5) If the bids or proposals are equal in every respect, the award shall be made by lot unless the SPO determines that splitting the award among two or more of the tied bidders is in the best interest of the University. Awards may be split if all affected bidders agree, if splitting is feasible given the type of supplies or services requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.

c) Records

Records shall be made of all procurements on which tie bids or proposals are received, showing at least the following information:

- 1) the identification number of the solicitation;

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- 2) the supply, service, or construction item; and
- 3) a listing of all the bidders and the prices submitted.

**Section 526.2038 Modification or Withdrawal of Bids or Proposals; Mistakes
EMERGENCY**

- a) Modification or withdrawal. A bidder or offeror may withdraw or modify a bid or proposal if notice of the withdrawal or modification is received by the SPO before the latest time specified for receipt of bids or proposals. Any such modification or withdrawal, however, must be made in writing and received by the SPO prior to the scheduled bid or proposal opening. When time is of the essence, the SPO may agree to receive modifications or withdrawals by printed form conveyed by facsimile or by telephone. An originally signed written confirmation of a telephone modification or withdrawal shall be mailed or delivered by the bidder or offeror on the same day. Withdrawal of bids or proposals after bid or proposal opening will not ordinarily be permitted; however, in those cases where, in the judgment of the University, based on clear and demonstrable evidence, the bidder or offeror has made a bona fide error in the preparation of the bid or proposal and such error will result in a substantial loss to the bidder or offeror, an exception may be made.
- b) Minor informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the University (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The SPO shall waive such informalities or allow the bidder to correct them depending on which is in the best interest of the University. Minor informalities include insignificant mistakes where the effect on price, quantity, quality, delivery, or contractual conditions is negligible.
- c) Errors where intended correct bid or proposal is evident. If the mistake and the intended correct bid or proposal are clearly evident on the face of the bid or proposal document, the bid or proposal shall be corrected to the intended correct bid or proposal. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors and arithmetical errors.
- d) Determinations required. When a bid or proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared by the SPO showing that relief was granted or denied in accordance with this Part.

Section 526.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

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- a) Scope of this Section
The provisions of this Section shall govern the cancellation of any solicitations whether issued by the University under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method and rejection of bids or proposals in whole or in part.
- b) Policy
Any solicitation may be canceled when the SPO believes cancellation to be in the University's best interest. Nothing shall compel the award of a contract.
- c) Cancellation of Solicitation; Rejection of All Bids or Proposals Prior to Opening
 - 1) As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step sealed bidding, or receipt of proposals in competitive sealed proposals.
 - 2) Prior to opening, a solicitation may be canceled in whole or in part when the SPO determines in writing that such action is in the University's best interest for reasons including, but not limited to:
 - A) the University no longer requires the supplies or services;
 - B) the University no longer can reasonably expect to fund the procurement; or
 - C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable.
 - 3) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all vendors known to have received the solicitation.
 - 4) The notice of cancellation shall:
 - A) identify the solicitation;
 - B) briefly explain the reason for cancellation; and
 - C) where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurements of similar supplies or services.
- d) Cancellation of Solicitation; Rejection of All Bids or Proposals After Opening
 - 1) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the SPO determines in writing that such action is in the University's best interest. Such reasons may include, but are not limited to:
 - A) the supplies or services being procured are no longer required;
 - B) ambiguous or otherwise inadequate specifications were part of the solicitation;

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- C) the solicitation did not provide for consideration of all factors of significance to the University;
 - D) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
 - E) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or
 - F) there is reason to believe that the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.
- 2) When the solicitation is canceled or when all bids or proposals are rejected, the vendor who submitted the lowest bid or proposal shall be sent a notice informing the vendor of the cancellation or rejection.
 - e) Documentation. The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.
 - f) Rejection of Individual Bids or Proposals
 - 1) General. This subsection (f) applies to rejections of individual bids or proposals in whole or in part.
 - 2) Notice in Solicitation. Each solicitation shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of the University as provided in this Section.
 - 3) Reasons for Rejection.
 - A) Reasons for rejecting a bid or proposal may include, but are not limited to:
 - A) the vendor that submitted the bid or proposal is non-responsible as determined under Section 526.2046 (Responsibility) of this Part;
 - B) the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation;
 - C) the proposal ultimately (that is, after any opportunity has passed for altering or clarifying the proposal) fails to meet the announced requirements of the University in some material respect;
 - D) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids; or
 - E) the proposed price is clearly unreasonable.
 - 4) Notice of Rejection. Upon request, bidders or offerors whose bid or offer has been rejected shall be advised of the reasons for rejection.

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SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section 526.2043 Suppliers
EMERGENCY

The University may contract with any qualified source of supply, but shall consider the following special sources, from which procurements may be made without notice and competition:

- a) Correctional Industries;
- b) State and Federal Surplus Warehouses under the jurisdiction of the Department of Central Management Services (30 ILCS 605/7a requires that surplus furniture be considered before any purchase of new furniture valued at \$500 or more per piece);
- c) Qualified workshops for the disabled;
- d) State Agencies and other governmental units described in Section 1-10(b)(1) of the Code.

Section 526.2044 Vendor List/Required Use
EMERGENCY

- a) How to Apply to be Placed on Vendor List
Vendor lists are maintained for various service and supply classifications. To be included on a vendor list, a person should submit a request to the SPO indicating the types of services or supplies for which solicitation information is requested.
- b) Application Form
 - 1) An applicant will be required to provide information concerning its form of organization and bank references, and may be required to provide sources of supply or other information to determine its responsibility and capability. The current Illinois Department of Human Rights (DHR) eligibility number is to be provided, as well as the Taxpayers Identification Number (TIN), also known as the Federal Employers Identification Number (FEIN), or Social Security Number. Applicant will be furnished with a copy of the Vendor Financial Disclosure Form, which must be completed and submitted with each bid, proposal, or offer made to the University unless the bid, proposal, or offer is made in connection with a procurement that is exempt from the Code, within the small purchase limit for the type of procurement, a sole source procurement, or an emergency procurement.
 - 2) Applicants who are minorities, females, or persons with disabilities are encouraged to identify their status for certification purposes under the Business Enterprise for Minorities, Females and Persons with Disabilities Act.
- c) Addition of Vendor to List
Upon submission to the SPO of a completed application, the applicant's

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name may be placed on the active vendor list for the supply or service classification requested. The SPO will specify in writing the reasons why any application is not accepted. The sending of an Invitation for Bids or other solicitation does not constitute a final or conclusive determination as to the responsibility and capability of a vendor. The bidder's qualifications and responsibility will be subject to continuous review, and the SPO may make a supplementary investigation to the responsibility or qualification of any vendor at any time.

d) Use of List

Invitations for Bids and other solicitations will be sent to vendors on the vendor list for supplies or services in question, except in the following cases:

- 1) The vendor does not sell the particular commodity or equipment.
- 2) The number of vendors for a procurement classification is of such magnitude that optimum prices may reasonably be expected without soliciting the entire vendor list. The SPO may, if he/she determines that the best interest of the University would be served, rotate the selection from the list on any equitable basis.
- 3) When the SPO determines that the best interests of the University will be served by limiting vendors to those in defined geographic areas (example: purchases of ready-mix concrete, perishables and equipment requiring immediate service).

Section 526.2045 Prequalification

EMERGENCY

a) General

- 1) Opportunities to prequalify shall be announced in the Higher Education Bulletin. The announcement will specify whether the prequalification will be a condition of bidding or being awarded a contract.
- 2) The fact that a prospective vendor has been prequalified does not necessarily represent a finding of responsibility for a particular procurement.
- 3) Except in the case of professional and artistic services, distribution of and responses to a solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified.
- 4) Prequalification will include the submission of the Vendor Financial Disclosure Form.

b) Professional and Artistic Services

- 1) When professional or artistic services are needed on a recurring basis, the CPO shall actively solicit persons engaged in providing such services to submit statements of qualifications in a prescribed format that shall include at a minimum the following

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information:

- A) technical education and training;
 - B) general or special experience, certifications, licenses and memberships in professional associations, societies, or boards; and
 - C) an expression of interest in providing a particular professional or artistic service.
- 2) Categories for prequalification will include, but are not limited to, those listed in Section 526.2035 of this Part.
- c) Qualified Products Lists. Qualified products lists are treated in Section 526.2050 (Specifications and Samples) of this Part.

Section 526.2046 Responsibility

EMERGENCY

a) Application

Contracts are to be made only with responsible vendors. If there is doubt about responsibility, and if a bond or other security would adequately protect the University's interests, then that vendor may be awarded a contract upon receipt of the bond or other security.

b) Standards of Responsibility

Factors to be considered in determining whether the standard of responsibility has been met include financial responsibility, insurability, effective equal opportunity compliance, payment of prevailing wages, if required by law, capacity to produce or sources of supply, performance record in the business or industry, ability to provide required maintenance service and other matters relating to the bidder's probable ability to deliver in the quality and quantity and within the time required under the contract, if it is awarded to the bidder.

c) Information Pertaining to Responsibility

The prospective vendor shall supply information requested by the SPO concerning the responsibility of such vendor. The University may supplement this information from other sources and may require additional documentation at any time. If such vendor fails to supply the requested information, the SPO shall base the determination of responsibility upon any available information, or may find the prospective vendor non-responsible.

d) Written Determination of Non-Responsibility Required

If a vendor who otherwise would have been awarded a contract is found non-responsible, a written determination of non-responsibility setting forth the basis of the finding shall be prepared by the SPO. The final determination shall be made part of the procurement file.

e) Affiliated Companies

Vendors that are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously

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existing vendor that has been determined not responsible will also be determined to be not responsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of non-responsibility.

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section 526.2047 Security Requirements
EMERGENCY

- a) An SPO may require that a vendor furnish bid, proposal, or performance security on University contracts. Whenever security is required, except as provided herein, the solicitation will clearly indicate the type and amount of security. The cost of providing security will be borne by the vendor unless otherwise stated in the solicitation.
- b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois and having a rating acceptable to the University.
- c) Unless the amount is set by law, the SPO will determine the amount, in dollars or percentage of contract price, that will adequately protect the University's interests. That amount will vary depending on the type of procurement and the risks and potential losses associated with delay or failure to complete the project, and for other such reasons.
- d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned and for similar reasons.
- e) The vendor's source of supply may also be required to furnish security. If the vendor does not have a stock of the commodity in question in the amount required or the facilities to produce the item in such amount, the University may, in addition, require the vendor to have the source of supply furnish security acceptable to the University, conditioned on such source supplying the vendor as required in the solicitation.
- f) Bid or Proposal Security
 - 1) Bid or proposal deposit. The solicitation may require each vendor to file a bid or proposal deposit, the amount of which will not ordinarily exceed 5% of the bid or proposal amount.
 - 2) Retention or use of bid or proposal deposit. The bid or proposal deposit will be considered as security for full performance of all obligations imposed on the vendor under the law and this Part, including the obligation to keep the price, bid, or proposal firm for as long a period as specified in the solicitation and the obligation to file performance security, if

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required, when a contract is awarded. If the vendor fails to perform any such obligations, the University will negotiate the bid or proposal deposit and retain from the proceeds thereof an amount sufficient to compensate it for damages suffered. The University may retain the bid or proposal deposit as liquidated damages if the solicitation so specifies.

- 3) Disposition of bid or proposal deposit. If a vendor is not one of the three lowest qualified vendors, the bid or proposal deposit will be returned to the vendor as soon as is practicable after the bid or proposal opening. The three lowest qualified vendors' deposits will be returned as soon as possible after the contract is awarded or, if performance security is required, as soon as the successful vendor has filed acceptable performance security.

SUBPART H: SPECIFICATIONS AND SAMPLES

Section 526.2050 Specifications and Samples
EMERGENCY

- a) Responsibilities Regarding Specifications
The SPO shall write the necessary specifications except as noted below.
- b) Procedures for the Development of Specifications
 - 1) All procurements shall be based on specifications that accurately reflect the University's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.
 - 2) Specifications shall not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate University needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.
 - 3) Any specifications or standards adopted by business, industry, not-for-profit organization, or governmental unit may be adopted by reference.
 - 4) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the University's requirements.
- c) Brand Name or Equal Specification
 - 1) Brand name or equal specifications may be used when the SPO determines in writing that:
 - A) no specification for a common or general use specification

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- or qualified products list is available;
- B) time does not permit the preparation of another form of specification, not including a brand name specification;
- C) the nature of the product or the nature of the University's requirement makes use of a brand name or equal specification suitable for the procurement; or
- D) use of a brand name or equal specification is in the University's best interest.
- 2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.
- 3) Unless the SPO determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.
- 4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the vendor.
- d) Brand Name Only Specification
- 1) Determination. A brand name only specification may be used only when the SPO makes a written determination that only the identified brand name item or items will satisfy the University's needs.
- 2) Use. Brand name alone may be specified in order to fill medical prescription needs, to stock University retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the CPO. A University may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.
- 3) Competition. The SPO shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 526.2025 (Sole

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- Economically Feasible Source Procurement) of this Part.
- e) Qualified Products List
- 1) Use. A qualified products list may be developed by the SPO when testing or examination of the supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy University requirements.
- 2) Solicitation. When developing a qualified products list, a representative group of potential suppliers shall be solicited in writing to submit products for testing and examination to determine acceptability for inclusion in a qualified products list. Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for testing and examination.
- 3) Testing and Confidential Data. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements. Except as otherwise provided by law, trade secrets, test data and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.
- f) Proven Products
- The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or services must have been used in business or industry for a specified period of time to be considered.
- g) University Required Samples
- 1) Any required samples must be submitted as instructed in the solicitation with transportation prepaid by the vendor. Each sample must be labeled with the vendor's name, address and a means of matching the sample with the applicable bid or proposal.
- 2) Any sample submitted must be representative of the item that would be delivered if a contract were awarded for that item. Samples submitted by a successful vendor will be retained to check continuing quality. Submission of samples will not limit the University's right to require adherence to specifications.
- 3) No payment will be made for University required samples. Samples not destroyed or consumed by examination or testing will be returned upon request and at vendor's expense. Such request must be made at time of submission with return collect or prepayment provisions and instructions for return accompanying the samples.
- h) Product Demonstration
- Any vendor may request time and space to demonstrate a product or service. Agreement to allow such demonstration will be solely at the University's discretion and will not entitle the vendor to a contract nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration.

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- i) Specifications Prepared by Other Than University Personnel
 - 1) Specifications may be prepared by other than University personnel, including, but not limited to, consultants, architects, engineers, designers and other drafters of specifications for public contracts when the SPO determines that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the University and provided the SPO retains the authority for final approval of the specifications. Contracts for the preparation of specifications by other than University personnel shall require the specification writer to adhere to University requirements.
 - 2) The person who prepared the specifications shall not submit a bid or proposal to meet the procurement need unless the President of the University, and not a designee, determines in writing that it would be in the best interest to accept such a bid or proposal from that person.

SUBPART I: CONTRACT TYPE

Section 526.2055 Types of Contracts
EMERGENCY

- a) Scope
This Section contains descriptions of types of contracts and limitations as to when they should be utilized by the University in its procurements. Types of contracts not mentioned in this Section may also be utilized.
- b) Prohibition of Cost-plus-a-Percentage-of-Cost Contracting
The cost-plus-a-percentage-of-cost contract is prohibited by Section 20-55 of the Code. This type of contracting may not be used alone or in conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the good or service on which the vendor's percentage is applied.
 - 1) A percentage mark-up from an agreed price list is not a cost-plus-a-percentage-of-cost contract.
 - 2) A percentage mark-up from the price of a good or service selected by the University or another vendor under contract to the University is not a cost-plus-a-percentage-of-cost contract.
- c) Types of Fixed-Price Contracts
 - 1) Firm Fixed-Price Contract. A firm fixed-priced contract provides a price that is not subject to adjustment because of variations in the vendor's cost of performing the work specified in the contract.
 - 2) Fixed-Price Contract with Price Adjustment
 - A) A fixed-price contract with price adjustment provides for

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- variation in the contract price under special conditions defined in the contract, other than customary provisions authorizing price adjustments due to modifications to the work. The formula or other basis by which the adjustment in the vendor's price can be made shall be specified in the solicitation and the resulting contract. Adjustment allowed may be upward or downward only, or both upward and downward. Examples of conditions under which adjustments may be provided in fixed-price contracts are:
- i) changes in the vendor's labor agreement rates as applied to an industry or area (such as are frequently found in contracts for the purchase of coal);
 - ii) changes due to rapid and substantial price fluctuations that can be related to an accepted index (such as contracts for gasoline, heating oils and dental gold alloy); and
 - iii) in requirement contracts, where a vendor is selected to provide all of the University's needs for the items specified in the contract, when a general price change applicable to all customers occurs, or when a general price change alters the base price (such as a change in a manufacturer's published price list or posted price to which a fixed discount is applied pursuant to the contract to determine the contract price).
- B) If the contract permits unilateral action by the vendor to bring about the condition under which a price increase may occur, the University shall have the right to reject the price increase and terminate without cost the future performance of the contract.
- d) Cost-Reimbursement Contracts
 - 1) Determination Prior to Use
 - A) A cost-reimbursement type contract may be used only when the SPO determines in writing that such a contract is likely to be less costly to the University than any other type or that it is impracticable to obtain the items through any other type of contract.
 - B) Reimbursement of travel expenses in accordance with applicable travel control board regulations is authorized without further determinations.
 - 2) Cost Contract. A cost contract provides that the vendor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee.
 - 3) Cost-Plus-Fixed-Fee Contract. This is a cost-reimbursement type contract that provides for payment to the vendor of an agreed fixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and

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does not vary if the actual cost of contract performance is greater or less than the initial estimated cost established for such work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract.

4) Cost Incentive Contracts

A) General. A cost-incentive type of contract provides for the reimbursement to the vendor of allowable costs incurred up to the ceiling amount and establishes a formula whereby the vendor is rewarded for performing at less than target cost (that is, the parties' agreed best estimate of the cost of performing the contract will vary inversely with the actual, allowable costs of performance and consequently is dependent on how effectively the vendor controls cost in the performance of the contract).

B) Fixed-Price Cost-Incentive Contract. In a fixed-price cost-incentive contract, the parties establish at the outset a target cost, a target profit (that is, the profit that will be paid if the actual cost of performance equals the target cost), a formula that provides a percentage increase or decrease of the target profit depending on whether the actual cost of performance is less than or exceeds the target cost and a ceiling price. After performance of the contract, the actual cost of performance is arrived at based on the total incurred allowable costs as provided in the contract. The final contract price is then established in accordance with the formula using the actual cost of performance. The final contract price may not exceed the ceiling price. The vendor is obligated to complete performance of the contract, and, if actual costs exceed the ceiling price, the vendor suffers a loss.

C) Cost-Reimbursement Contract with Cost-Incentive Fee.

In a cost-reimbursement contract with cost-incentive fee, the parties establish at the outset a target cost; a target fee; a formula for increase or decrease of fee depending on whether actual cost of performance is less than or exceeds the target cost, with maximum and minimum fee limitations; and a cost ceiling that represents the maximum amount that the University is obligated to reimburse the vendor. The vendor continues performance until the work is complete or costs reach the ceiling specified in the contract, including any modification thereof, whichever first occurs. After performance is complete or costs reach the ceiling, the total incurred, allowable costs reimbursed as provided in

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the contract are applied to the formula to establish the incentive fee payable to the vendor.

e) Performance Incentive Contracts

In a performance incentive contract, the parties establish at the outset a pricing basis for the contract, performance goals and a formula that varies the profit or the fee if the specified performance goals are exceeded or not met. For example, early completion may entitle the vendor to a bonus, while late completion may entitle the University to a price decrease.

f) Time and Materials Contracts; Labor Hour Contracts

Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. Labor hour contracts provide only for the payment of labor performed. Such contracts shall, to the extent possible, contain a stated ceiling or an estimate that shall not be exceeded without prior University approval.

g) Definite Quantity and Indefinite Quantity Contracts

1) Definite Quantity. A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services either at specified times or when ordered.

2) Indefinite Quantity. An indefinite quantity contract is a contract for an indefinite amount of supplies or services to be furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally an approximate quantity or the best information available as to quantity is stated in the solicitation. The contract may provide a minimum quantity the University is obligated to order and may also provide for a maximum quantity provision that limits the University's obligation to order.

3) Requirements Contracts. A requirements contract is an indefinite quantity contract for supplies or services that specifically obligates the University to order all its actual requirements during a specified period of time.

h) Leases

A lease is a contract for the use of supplies or real property under which title will not pass to the University at any time, except pursuant to an option to purchase.

i) Recovery Contracts

Contracts may provide for payment to the vendor of a percentage of the amount the vendor recovers or collects on behalf of the University. The percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or cost reimbursement method.

j) Option Provisions

When a contract is to contain an option for renewal, extension, or purchase, notice of such provision shall be included in the

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solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at the University's option.

k) State Produced Supplies and Services

Notwithstanding any provision in any contract, supplies or services available from State programs, such as Correctional Industries, may be ordered without violating any contract.

l) Extraordinary Quantities

Notwithstanding any provision in any contract, the University reserves the right to take bids separately if a particular quantity requirement arises that exceeds the University's normal needs or ordering requirements.

m) Energy Conservation

The CPO may authorize an IFB, RFP, or sole source negotiation for energy conservation measures whereby the University would make payment based on utility cost savings. Such contract shall require a clearly defined baseline of energy usage and method of measuring cost savings taking into account at least differing weather conditions, changes in facility usage and cost of energy.

n) Printing Contracts for Annual Reports

Contracts for the printing of annual reports that the University is required by statute to submit to the Governor will provide that such reports will be printed in the form specified by the Governor.

SUBPART J: DURATION OF CONTRACTS

Section 526.2060 Duration of Contracts - General
EMERGENCY

a) General

- 1) A multi-term contract for a term of up to 10 years is authorized when determined by the SPO to be in the best interest of the University.
- 2) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years.
- 3) The length of a lease for real property or capital improvements shall be in accordance with Section 526.4025.

b) Subject to Appropriation

The contractual obligation of both parties in each fiscal period succeeding the first is subject to appropriation and availability of funds. The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of such contracts shall be canceled without penalty to, or further payment being required by, the University. This provision applies to only those contracts that are funded in whole or in part by funds

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appropriated by the Illinois General Assembly.

c) Multi-Term Contract Procedure

The solicitation shall state:

- 1) the proposed term;
- 2) the amount of supplies or services required for the proposed contract period;
- 3) the type of pricing requested (e.g., firm for term);
- 4) how award will be determined.

d) Renewals

- 1) Where the original procurement specifically called for an initial term plus options to renew, the renewal options may be exercised without further procurement activity, provided that the initial term and the exercised renewal options do not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index) and the options are reserved solely to the University. Any renewal that requires amendment or modification of a material term or condition of the contract shall be treated as a new contract.
- 2) Where the original procurement was silent as to renewals, the renewal must be treated as a new contract. Such renewal will start a new term not to exceed 10 years.
- 3) Where a renewal will result in the total term, counting the initial term and any previous renewals, to exceed 10 years, the renewal must be treated as a new contract. Such renewal will start a new term not to exceed 10 years.

SUBPART K: PROCUREMENT FILES

Section 526.2080 Written Determinations; Other Procurement Records
EMERGENCY

All written determinations required under Article 20 of the Code and Subparts E, F, G, H, I, and J of this Part shall be placed in the contract files maintained by the CPO. Except as otherwise specified in this Part, all other procurement records shall be placed in the contract files maintained by the SPO.

SUBPART L: CONTRACT WORKING CONDITIONS

Section 526.2560 Prevailing Wage

EMERGENCY

- a) In order to be considered responsible under Section 526.2046, vendors of the following classifications of services must certify to the University that wages to be paid to their employees are no less, and fringe benefits and working conditions of employees are not less

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favorable, than those prevailing in the locality where the proposed contract with the University is to be performed:

- 1) Printing;
- 2) Janitorial services, window washing, food services and security guard services having a monthly contract price of \$200 or a yearly price of \$2,000.
- b) Vendors awarded contracts or subcontracts on University public works projects shall agree to comply with the requirements of the Prevailing Wage Act [820 ILCS 130].
- c) Prevailing wages, benefits and conditions will be determined by the Illinois Department of Labor.

**Section 526.2570 Equal Employment Opportunity; Affirmative Action
EMERGENCY**

Section 7-105A of the Illinois Human Rights Act (IHRA) [775 ILCS 5/7-105A] authorizes the Department of Human Rights (DHR) to promulgate policies, rules and regulations to implement the provisions of the IHRA applicable to eligible vendors and public contractors. DHR has promulgated rules, 44 Ill. Adm. Code 750, that establish public contractor and eligible vendor duties, obligations and reporting requirements and are applicable under this Part. This Part requires that certain employers register with DHR in order to be eligible for the award of certain public contracts (44 Ill. Adm. Code 750. Appendix A).

SUBPART M: CONSTRUCTION AND CONSTRUCTION RELATED SERVICES

**Section 526.3005 Construction and Construction Related Services
EMERGENCY**

a) General Procedures

- 1) In the case of contracts for construction of buildings or for other construction work in or about buildings or grounds where the entire estimated cost of such work exceeds the amount stipulated by Section 20-20 of the Code, prospective contractors, as well as architects and engineers employed in connection with such projects, may be prequalified to determine their responsibility (for architects, engineers and land surveyors, see the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535]). If the total estimated cost of such work exceeds the amount stipulated by Section 30-30 of the Code, separate specifications shall be prepared for all equipment, labor and materials in connection with, at a minimum, the following five subdivisions of work to be performed:
 - A) Plumbing.
 - B) Heating, piping, refrigeration and automatic temperature control systems, including the testing and balancing of such

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- systems.
 - C) Ventilating and distribution systems for conditioned air, including the testing and balancing of such systems.
 - D) Electrical wiring.
 - E) General contract work.

- 2) The specifications shall be drawn so as to permit separate and independent competitive bidding upon each of the above five (or more) subdivisions of work. All contracts awarded for any part thereof shall award the five (or more) subdivisions of such work separately to responsible and reliable contractors engaged in these classes of work. Such contracts, at the discretion of the University, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the University prior to bidding as the prime subdivision of work, with the provision that all payments will be made directly to the contractors for the five (or more) subdivisions of such work upon compliance with the conditions of the contract. Any contract may be let for one or more buildings in any project to the same contractor. Specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for all of the buildings included in the specifications.

- b) Request for Payment Form Specified by University
 - To bill the University for remodeling, renovation, or construction work done, the vendor must submit a payment request in the form specified by the University.

c) Periodic Payments

When provided in the contract, periodic payments can be made during the course of such work, upon a certificate of a licensed architect or engineer indicating the proportionate amount of the total work completed satisfactorily.

d) Retained Percentage

When periodic payments are made, the University shall retain a fixed percentage, specified in the contract, to insure faithful completion of the contract. No amount of funds, in addition to those provided for in a contract for repairs, maintenance, remodeling, renovation, or construction, may be obligated or expended unless the additional work to be performed or materials to be furnished are germane to the original contract. Even if germane to the original contract, no additional expenditures or obligations may, in their total combined amount, be in excess of the contract amount as provided in Section 30-35(b) of the Code unless they have received the prior written approval of an official pre-designated by the University with the appropriate level of authority to make such determination. Notices of additional expenditures or obligations in excess of the small purchase

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limit of Section 20-20 of the Code shall be published in the next available Higher Education Bulletin.

- e) Improvements to Leased Real Estate
The procedures set forth in this Part shall apply, as appropriate, to contracts for improvements to real estate leased to the University.

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section 526.4005 Applicability
EMERGENCY

Except as otherwise authorized by law, real property leases and capital improvement leases are subject to, and shall be procured by, the Universities in accordance with the Code and this Part.

Section 526.4010 Authority
EMERGENCY

SPOs shall have the authority to procure leases. SPOs will establish standards and criteria for leased space procurement and space assignment to meet the financial and administrative objectives needed to most efficiently and effectively provide adequate space to operate the University in accordance with its mission.

Section 526.4015 Method of Source Selection
EMERGENCY

Leases shall be procured by a Request for Information (RFI) process except that the process need not be used in any of the following circumstances:

- a) Property of less than 10,000 square feet.
- b) Rent of less than \$100,000 per year.
- c) Duration of less than one year that cannot be renewed.
- d) Specialized space available at only one location.
- e) Renewal or extension of leases in effect before July 1, 1998, provided that:
 - 1) the CPO determines in writing that the renewal or extension is in the best interest of the University;
 - 2) the CPO submits his or her written determination and the renewal or extension to the Board;
 - 3) the Board does not object in writing to the renewal or extension within 30 days after its submission; and
 - 4) the CPO publishes notice of the renewal or extension in the Higher Education Bulletin as provided in Section 526.4020(a)(2).
- f) Leases with governmental units when deemed by the CPO to be in the best interest of the University.

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Section 526.4020 Request for Information
EMERGENCY

a) RFI Form

When required, an RFI shall be issued and shall include:

- 1) the type of property to be leased;
- 2) the proposed uses of the property;
- 3) the duration of the lease;
- 4) the preferred location of the property; and
- 5) a general description of the configuration desired.

b) Public Notice

Public notice of the RFI for the availability of real property to be leased shall be published in the Higher Education Bulletin at least 14 days before the date set forth in the request for receipt of responses and shall also be published in similar manner in a newspaper of general circulation in the community or communities where the University is seeking space.

c) Response

The RFI response shall consist of written information sufficient to show that the respondent can meet minimum criteria set forth in the RFI.

d) Negotiation and Determination

The SPO may enter into discussions with respondents of the RFI for the purpose of clarifying University needs and the information supplied by the respondents. On the basis of the information supplied and discussions, if any, an SPO shall make a written determination identifying the responses that meet the minimum criteria set forth in the RFI. Negotiations shall be entered into with all qualified respondents for the purpose of securing a lease that is in the best interest of the University.

e) Reporting and Filing

- 1) When the lowest response by price is selected, a written report of the negotiation shall be retained in the lease files and shall include the reasons for the final selection.
- 2) When the lowest response by price is not selected, the SPO shall forward to the CPO, along with the lease, notice of the identity of the lowest respondent by price and written reasons for the selection of a different response. The CPO shall publish the written reasons in the next volume of the Higher Education Bulletin.

Section 526.4025 Lease Requirements
EMERGENCY

a) Length of Leases

- 1) Maximum term. Except where a longer term is authorized by law,

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leases shall be for a term not to exceed 10 years and shall include a termination option in favor of the University after 5 years.

- 2) Renewal Option. Leases may include a renewal option but an option to renew may be exercised only when the SPO determines in writing that renewal is in the best interest of the University and publishes a notice of the intent to exercise the option in the Higher Education Bulletin at least 60 days prior to the exercise of the option.

b) Subject to Appropriation

All leases shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease. This provision applies to only those leases that are funded in whole or in part by funds appropriated by the Illinois General Assembly.

Section 526.4030 Purchase Option

EMERGENCY

Initial leases of all space in entire, free-standing buildings shall include an option to purchase exercisable by the University, unless the SPO determines that inclusion of such purchase option is not in the University's best interest and makes that determination in writing along with the reasons for making that determination and publishes the written determination in the Higher Education Bulletin. Leases from governmental units and not-for-profit entities are exempt from the requirements of this Section.

Section 526.4035 Rent Without Occupancy

EMERGENCY

Except when deemed by the Board to be in the best interest of the University, no University may incur rental obligations before having occupancy or possession of the space rented. For the purposes of this Section, the terms "occupancy" and "possession" shall have the same meaning.

Section 526.4040 Local Site Preferences

EMERGENCY

Upon the request of the chief executive officer of a unit of local government, leasing preferences may be given to sites located in enterprise zones, tax increment districts, or redevelopment districts.

SUBPART O: PREFERENCES

Section 526.4505 Procurement Preferences

EMERGENCY

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The procurement preferences identified in Article 45 of the Code must be considered in developing procurement documents, conducting evaluations and drafting contracts.

Section 526.4510 Resident Vendor Preference

EMERGENCY

- a) "Illinois resident vendor" as used in this Section means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced, including a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced.
- b) In breaking a tie bid or proposal as described in Section 526.2037, an Illinois resident vendor shall be given the award.
- c) An Illinois resident vendor shall be allowed a preference as against a non-resident vendor equal to any in-state vendor preference given or required by the state of the non-resident vendor.

Section 526.4530 Correctional Industries

EMERGENCY

The CPO, in consultation with the Department of Corrections, shall, on a case-by-case basis, determine which supplies or services available from Correctional Industries meet the University's requirements and may be given preference. Procurements from Correctional Industries may be made without notice and competition.

Section 526.4535 Sheltered Workshops for the Disabled

EMERGENCY

Various supplies and services are available from qualified workshops for the disabled under a program managed by the Department of Central Management Services. Such procurements may be made without notice and competition. Information regarding the workshops is available from the Department of Central Management Services.

Section 526.4540 Gas Mileage

EMERGENCY

- a) Specifications for the purchase of new passenger automobiles shall require compliance with minimum gas mileage requirements established

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in Section 45-40 of the Code. As used in this Section, passenger automobile does not include station wagons, vans, four-wheel drive vehicles, emergency vehicles, police or fire vehicles.

b) The SPO may exempt a procurement from the requirement of subsection (a) when a demonstrated need has been presented to the SPO in writing.

c) The CPO may require use of a uniform form or format for the SPO's determination that an exemption is warranted.

**Section 526.4545 Small Business
EMERGENCY**

a) Small Business Specialist

The CPO shall designate one of the SPOs to be responsible for engaging a small business specialist, who shall have the duties set forth in Section 45-45(e) of the Code, and who shall also act as coordinator of small business initiatives among the Universities. The designated SPO shall make the small business annual report to the General Assembly required under Section 45-45(f) of the Code.

b) Small Business Set-Asides

Based upon recommendations of the small business specialist and the Universities, and in conformity with Section 45-45 of the Code, the CPO may designate as small business set-asides a fair proportion of supply and service contracts under the jurisdiction of the CPO for public institutions of higher education for award to small businesses in Illinois.

**Section 526.4570 Contracting with Businesses Owned and Controlled by
Minorities, Females and Persons with Disabilities
EMERGENCY**

Each University shall be responsible for its own compliance with the requirements of the Business Enterprise Act for Minorities, Females and Persons with Disabilities [30 ILCS 575].

SUBPART P: ETHICS

**Section 526.5013 Conflicts of Interest Prohibited by the Code
EMERGENCY**

a) Any bid, proposal, or offer the acceptance of which would result in any of the following types of contracts prohibited by Section 50-13 of the Code will be subject to rejection.

- 1) Office or Employment. Section 50-13(a) of the Code provides:
It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government

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and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person, to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

2) Financial Interests. Section 50-13(b) of the Code provides:
It is unlawful for any firm, partnership, association, or corporation, in which any person as described in subsection (a) is entitled to receive more than 7 1/2% of the total distributable income or an amount in excess of the salary of the Governor, to have or acquire, obtain, any such contract or direct pecuniary interest therein.

3) Combined Financial Interests. Section 50-13(c) of the Code provides:

It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive more than 15%, in the aggregate, of the total distributable income or an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

b) For the purposes of this Section, an individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, and would include finders fees and commission payments.

c) For the purposes of this Section, "distributable income" means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, which is distributed to those entitled to receive a share of such income.

d) This Section does not apply to those elected to local government, including school district, offices nor does it apply to those elected to federal offices in this State. This Section does apply to those elected to an office of Illinois State government.

e) Additional exceptions to the application of this Section are listed in Section 50-13(f) of the Code.

**Section 526.5020 Exemptions
EMERGENCY**

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If the SPO finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the SPO shall forward to the CPO the name of the vendor and a description of the proposed contract and of the potential conflict and shall state why an exemption should be granted. The CPO shall decide whether to disapprove the contract or submit the file to the Governor or the Governor's designated ethics board to determine whether an exemption should be granted in accordance with Section 50-20 of the Code.

Section 526.5023 Other Conflicts of Interest
EMERGENCY

- a) Except as otherwise specified in the Public Officer Prohibited Activities Act [50 ILCS 105], no member of the University's governing board shall be directly or indirectly interested in any contract to be made by the Board for any purposes whatsoever.
- b) No contract will be awarded to a University officer or employee or to a firm, partnership, association, or corporation, the owner or principal owners or major officers or primary employees of which are officers or employees of the University, unless such contract is deemed essential to University operations and is approved by the President of the University (or designee) and such approval is filed with the contract.
- c) No contract will be awarded to a member of the immediate family of an officer or employee of the University or to a firm, partnership, association, or corporation, the owner or principal owners or major officers or primary employees of which are members of the immediate family of officers or employees of the University, unless such contract is deemed beneficial to University operations and is approved by the President of the University (or designee) and such approval is filed with the contract.

Section 526.5030 Revolving Door Prohibition
EMERGENCY

As provided in Section 50-30 of the Code, the CPO, SPOs and all of their designees whose principal duties are related to University procurement are prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to their former employer. The prohibition applies to persons who terminate an affected position after January 15, 1999, and includes, but is not limited to, submitting bids, proposals, offers, or contract documents on their own behalf or on behalf of any vendor.

Section 526.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
EMERGENCY

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- a) For the purposes of the financial disclosures required of vendors under Section 50-35 of the Code, the following terms shall have the same meaning as in the Code and as further defined below:
 - 1) "Distributive or Distributable Income" - The income of a company after expenses, including employee salaries and bonuses and retained earnings, which is distributed to those entitled to receive a share of such income.
 - 2) "Personal Services" - Any contract for services subject to this Code, including, by way of example, professional and artistic services, repair services, cleaning and guard services.
 - 3) "Competitively Bid" - A contract let pursuant to Section 20-10 of the Code.
 - 4) "Subject to Federal 10K Reporting" - Subject to the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934.
 - 5) "10K Disclosure" - A report required under Section 13 or 15(d) of the Securities Exchange Act of 1934.
- b) Once a disclosure is made in relation to a particular contract, the disclosure need not be repeated if the contract is amended.
- c) 10K Disclosures

Any vendor subject to Federal 10K reporting requirements may submit its 10K to the University in satisfaction of the disclosure requirement of Section 50-35(b) of the Code provided the vendor also identifies the specific sections or parts in the 10K disclosure where the University may find information, if any, pertaining to those who have an ownership interest or an interest in the distributable income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the University is not in the 10K, but is in a document referenced in the 10K, or in a document that may be submitted to the SEC in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.
- d) The disclosures of each successful bidder or offeror shall become a part of the publicly available contract file. Any potential conflict of interest identified by the public and brought to the attention of the CPO or SPO shall be investigated.

SUBPART Q: CONCESSIONS

Section 526.5325 Granting of Concessions/Reporting
EMERGENCY

In accordance with the requirements of Section 53-25 of the Code, all University contracts granting concessions shall be reduced to writing and reported in the Higher Education Bulletin no less frequently than annually.

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Reports concerning the licensing or other disposition of University intellectual property will be in the form designated for the annual reports of such activity to the Association of University Technology Managers or such other standard format as may be developed by the Universities.

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section 526.5520 Suspension
EMERGENCY

- a) Application
This Section applies to all debarments or suspensions of vendors from consideration for award of contracts under the Code.
- b) The SPO may suspend a vendor from doing business with the University or with respect to specific types of supplies or services. A suspension may be issued upon a showing the vendor violated the Code or this Part, or failed to conform to specifications or terms of delivery.
- c) When the SPO finds cause exists for suspension, a notice of suspension, including a copy of such determination, shall be sent to the suspended vendor. Bids or proposals will not be solicited from the suspended vendor, and, if received, will not be considered during the period of suspension.
- d) A vendor may be suspended for a period of time commensurate with the seriousness of the offense, but for no more than five years. The suspension will be effective seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, suspension would not become effective until the evaluation of the objection is completed.
- e) The CPO may debar a vendor. Debarment is the permanent suspension of a vendor from doing business with the University. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals received from the debarred vendor will not be considered.
- f) The CPO shall maintain a master list of all suspensions and debarments. The master list will retain information concerning suspensions and debarments as public records. Such records will be maintained for a period of at least three years following the end of the suspension or debarment. Such public information may be considered in determining responsibility.

Section 526.5530 Cancellation of Contracts
EMERGENCY

- a) In any of the following cases the SPO shall have the right to

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terminate or rescind any contract entered into under this Part:
1) The successful vendor fails to furnish a satisfactory performance bond within the time specified.

- 2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the purchasing agency.
 - 3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly.
 - 4) The vendor is guilty of misrepresentation (for example, misbranding of food or drugs) in connection with another contract for the sale of supplies or services to the University such that it cannot reasonably be depended upon to fulfill his obligations as a responsible vendor under any of his contracts with the University.
 - 5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the SPO; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.
 - 6) Any other breach of contract or any other unlawful act by the vendor.
- b) Cancellation for Fraud, Collusion, Illegality, Etc.
The University may cancel any contract it established if there is sufficient evidence to show that:
 - 1) The contract was obtained by fraud, collusion, conspiracy, or other unlawful means; or
 - 2) The contract conflicts with any statutory provision of the State of Illinois or of the United States.
 - c) Withholding Money to Compensate University for Damages
If a contract is terminated or rescinded under this Section, the University may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the University for any damages suffered by it because of the vendor's breach of contract or other unlawful act on his part on which the cancellation is based.
 - d) Damages
The damages for which the University may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:
 - 1) the additional cost of supplies or services bought elsewhere;
 - 2) cost of repeating the procurement procedure;
 - 3) any expenses incurred because of delay in receipt of supplies or

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- services; and
- 4) any other damages caused by the vendor's breach of contract or unlawful act.

**Section 526.5540 Violation of Statute or Rule
EMERGENCY**

- a) Determination that Solicitation or Award Violates Law
If the CPO or the SPO finds that the solicitation or proposed award is in violation of statute or rule, the CPO or the SPO may cancel the solicitation or proposed award, or make modifications to correct the violation, if such correction may be legally accomplished.
- b) Determination that Contract Violates the Code or this Part
Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the University unless statute or rule allows the University to modify, ratify, or take other corrective action.
- c) Effect of Declaring a Contract Null and Void
In all cases in which a contract is voided, the University shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.

**Section 526.5550 Protests
EMERGENCY**

- a) Protest Resolution by the SPO
An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to, specifications preparation, bid solicitation, or award.
- b) Complaint to SPO
Complainants should seek resolution of their complaints initially with the SPO who issued the solicitation. Such complaints may be made orally or in writing.
- c) Filing of Protest
1) Protests shall be made in writing to the chief business officer of the University and shall be filed within 14 days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the chief business officer. Protests filed after the 14 day period shall not be considered. In regard to a protest regarding specifications, the protest must be received within 14 days after the date the solicitation was issued, and in any event must be received by the University at the designated address before the date for opening of bids or proposals.

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- 2) To expedite handling of protests, the envelope should be labeled "Protest". The written protest shall include as a minimum the following:
- A) the name and address of the protester;
- B) appropriate identification of the procurement, and, if a contract has been awarded, its number;
- C) a statement of reasons for the protest; and
- D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.
- d) Requested Information; Time for Filing
Any additional information requested by the University shall be submitted within the time periods established by the requesting source in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the chief business officer may result in resolution of the protest without consideration of that information.
- e) Decision by the Chief Business Officer
A decision on a protest shall be made by the chief business officer as expeditiously as possible after receiving all relevant requested information.
- f) Effect of Judicial or Administrative Proceedings
If an action concerning the protest has commenced in court, the chief business officer shall not act on the protest.

SUBPART S: GOVERNMENTAL JOINT PURCHASING

**Section 526.6500 General
EMERGENCY**

In an effort to make the procurement process more efficient, State (including Universities) and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to utilize each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act [30 ILCS 525] (Joint Purchasing Act).

**Section 526.6510 No Agency Relationship
EMERGENCY**

In any joint procurement situation, each University and governmental unit must issue its own purchase order, accept its own deliveries and make its own payments. No University shall have any obligation to the vendor for payment of orders placed by other Universities or other governmental units.

SUBPART T: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

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**Section 526.7000 Severability
EMERGENCY**

If any provision of this Part or any application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without such invalid provision or application.

**Section 526.7010 University Furnished Property
EMERGENCY**

If the University provides any property to the vendor in furtherance of the contract, such property shall remain the property of the University but may be consumed by the vendor if necessary to complete the contract. Vendor will issue a receipt for the property and will be responsible for its safekeeping and for return of unused property to the University.

**Section 526.7015 Inspections
EMERGENCY**

a) Inspection of Plant or Site

The University may enter a vendor's or subcontractor's plant or place of business to:

- 1) inspect supplies or services for acceptance by the University pursuant to the terms of a contract;
- 2) audit the books and records of any vendor or subcontractor;
- 3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;
- 4) determine whether the standards of responsibility have been met or are capable of being met;
- 5) determine if the contract is being performed in accordance with its terms; and
- 6) for any other purpose permitted by law.

b) Inspection and Testing of Supplies and Services

University contracts may provide that the University may inspect supplies and services at the vendor's or subcontractor's facility and perform tests to determine whether the supplies or services conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. Such inspections and tests shall be conducted in accordance with the terms of the solicitation and contract.

- 2) Procedures for Trial Use and Testing. The University may establish operational procedures governing the testing and trial use of equipment, material and other supplies, and the application of resulting information and data to specifications or procurements.

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c) Conduct of Inspections

- 1) Inspectors. Inspections or tests shall be performed so as not to unduly delay the work of the vendor or subcontractor. No inspector other than the SPO may change any provision of the specifications or the contract without written authorization of the SPO. The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.
- 2) Location. When an inspection is made in the plant or place of business of a vendor or subcontractor, such vendor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.
- 3) Time. Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed at reasonable times.
- d) Inspection of Construction Projects
On-site inspection of construction shall be performed in accordance with the terms of the contract.

**Section 526.7020 Record Retention
EMERGENCY**

Books and records that relate to performance of a University contract, including subcontracts, and that support amounts charged to the University shall be maintained:

- a) by a vendor, for three years from the date of final payment under the prime contract;
- b) by a subcontractor, for at least three years from the date of final payment under the subcontract; and
- c) by a vendor and subcontractor for such longer period of time as is necessary to complete ongoing or announced audits.

**Section 526.7030 No Waiver of Sovereign Immunity
EMERGENCY**

Nothing in this Part shall be deemed to be a waiver of sovereign immunity.

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- 1) Heading of the Part: Electricity Excise Tax Law
- 2) Code Citation: 86 Ill. Adm. Code 511
- 3) Section Numbers: Emergency Action:
511.100 New Section
511.110 New Section
511.120 New Section
511.130 New Section
511.200 New Section
511.300 New Section
- 4) Statutory Authority: Electricity Excise Tax Law, 35 ILCS 640/1
- 5) Effective Date of Rules: July 13, 1998
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.

7) Date filed with the Index Department: July 13, 1998

8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the emergency rule is on file with the Department and available for public inspection.

9) Reason for Emergency: The amended provisions of 35 ILCS 640/1 were enacted into law on July 10, 1998 and are effective August 1, 1998. In order to implement and administer these provisions, rules are necessary to inform utilities and self-assessing purchasers of the requirements regarding the collection of the tax and the registration requirements of self-assessing purchasers.

10) A Complete Description of the Subjects and Issues Involved: Describes the treatment of estimated payments and electronic funds transfer during calendar year 1998 and calendar year 1999. Sets forth the registration requirements for self-assessing purchasers including a requirement that a self-assessing purchaser make application to the Department 30 days prior to the date the applicants want to start self-assessing their tax liability. Allows applicants with multiple delivering suppliers to fill out one worksheet per delivering supplier if they choose not to disclose the identity of each delivering supplier to the other delivering suppliers.

11) Are there any proposed amendments to this Part pending: No

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12) Statement of Statewide Policy Objectives: This emergency rulemaking neither imposes a State mandate, nor modifies an existing mandate.

13) Information and questions regarding this rule shall be directed to:

Name: Melanie Jarvis
 Terry Charlton
 Associate Counsels
Address: Illinois Department of Revenue
 Legal Services Office - Room 5-500
 101 West Jefferson
 Springfield, Illinois 62794
Telephone: (217) 782-6996

The full text of the Emergency Rules begins on the next page:

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NOTICE OF EMERGENCY RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 511

ELECTRICITY EXCISE TAX LAW

SUBPART A: GENERAL

Section

511.100 Definitions

EMERGENCY

511.110 Imposition of Tax

EMERGENCY

511.120 Electronic Fund Transfer and Estimated Payments

EMERGENCY

511.130 Transfer of Credit Memorandum

EMERGENCY

SUBPART B: COLLECTION OF TAX BY UTILITIES

Section

511.200 Collection of Tax by Delivering Supplier

EMERGENCY

SUBPART C: SELF-ASSESSING PURCHASERS

Section

511.300 Self-assessing Purchaser Election and Registration

EMERGENCY

AUTHORITY: Implementing the Electricity Excise Tax Law [35 ILCS 640/1].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. **13978**, effective July 13, 1998, for a maximum of 150 days.

SUBPART A: GENERAL

Section 511.100 Definitions

EMERGENCY

For the purposes of this Part:

"Delivering supplier" means any person engaged in the business of delivering electricity to persons for use or consumption and not for resale who, in any case where more than one person participates in the delivery of electricity to a specific purchaser, is the last of the suppliers engaged in delivering the electricity prior to its receipt by the purchaser.

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"Delivering supplier maintaining a place of business in this State", or any like term, means any delivering supplier having or maintaining within this State, directly or by a subsidiary, an office, generation facility, transmission facility, distribution facility, sales office or other place of business, or any employee, agent or other representative operating within this State under the authority of such delivering supplier or such delivering supplier's subsidiary, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such delivering supplier or such delivering supplier's subsidiary is licensed to do business in this State.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, village, county, or other political subdivision of this State.

"Purchaser" means any person who acquires electricity for use or consumption and not for resale, for a valuable consideration.

"Self-assessing purchaser" means a purchaser for non-residential electric use who elects to register with and to pay tax directly to the Department in accordance with Sections 2-10 and 2-11 of the Electricity Excise Tax Law [35 ILCS 640/2-10 and 2-11]. [35 ILCS 640/2-3]

Section 511.110 Imposition of Tax

EMERGENCY

Beginning with bills for electricity or electric service issued on and after August 1, 1998, the tax imposed by the Electricity Excise Tax Law shall be collected from the purchaser, other than a self-assessing purchaser where the delivering supplier or suppliers are notified by the Department that the purchaser has been registered as a self-assessing purchaser as described in Section 511.300 of this Part, by any delivering supplier maintaining a place of business in this State. [35 ILCS 640/2-7]

Section 511.120 Electronic Fund Transfer and Estimated Payments

EMERGENCY

a) Estimated payments

- 1) Each taxpayer whose average monthly liability was \$10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability during such calendar year, shall make quarter monthly payments to the Department on or before the 7th, 15th, 22nd, and last day of the

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month during which the liability is incurred. The amount of the payments are the lower of either 22.5% of the taxpayer's actual tax liability for the month or 25% of the taxpayer's actual tax liability for the same calendar month of the preceding year.

- 2) No taxpayer is required to make estimated payments during calendar year 1998. For calendar year 1999, the Department will calculate the taxpayer's average monthly liability during calendar year 1998 by taking the sum of the liabilities for the last 5 months of calendar year 1998 and excluding the month of highest liability and the month of lowest liability during that period and dividing by 3.

b) Electronic funds transfer

- 1) Each taxpayer whose average monthly liability was \$10,000 or more is also required to make all payments by electronic funds transfer. This calculation is made by taking the sum of the taxpayer's liabilities for the immediately preceding calendar year and dividing by 12.

- 2) No taxpayer is required to make payments by electronic funds transfer during calendar year 1998. For calendar year 1999, the Department will calculate the taxpayer's average monthly liability during calendar year 1998 by taking the sum of the liabilities for the last 5 months of calendar year 1998 and dividing by 12.

Section 511.130 Transfer of Credit Memorandum

EMERGENCY

- a) Any credit memorandum issued under the tax imposed by Section 2 of the Public Utilities Revenue Act may be applied against liability incurred under the Electricity Excise Tax Law.

- b) Any credit memorandum issued under the Electricity Excise Tax Law may be applied against any liability incurred under the tax imposed by Section 2 of the Public Utilities Revenue Act. [35 ILCS 640/2-12]

SUBPART B: COLLECTION OF TAX BY UTILITIES

Section 511.200 Collection of Tax by Delivering Supplier

EMERGENCY

- a) All sales to a purchaser are presumed subject to tax collection unless the Department notifies the delivering supplier that the purchaser has been registered as a self-assessing purchaser for the accounts listed by the self-assessing purchaser as described in Section 511.300 of this Part. Upon receipt of notification by the Department, the delivering supplier is relieved of all liability for the collection and remittance of tax from the self-assessing purchaser for the accounts specifically listed by the self-assessing purchaser for which notification was provided by the Department. The delivering supplier

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is relieved of the liability for the collection of the tax from a self-assessing purchaser until such time as the delivering supplier is notified in writing by the Department that the purchaser's certification as a self-assessing purchaser is no longer in effect.

- b) Delivering suppliers shall collect the tax from purchasers by adding the tax to the amount of the purchase price received from the purchaser for delivering electricity for or to the purchaser. Where a delivering supplier does not collect the tax from a purchaser, other than a self-assessing purchaser, as provided herein, such purchaser shall pay the tax directly to the Department. [35 ILCS 640/2-7]

SUBPART C: SELF-ASSESSING PURCHASERS

Section 511.300 Self-assessing Purchaser Election and Registration

EMERGENCY

a) Election

Any purchaser for non-residential electric use may elect to register with the Department as a self-assessing purchaser and to pay the tax imposed by the Electricity Excise Tax Law directly to the Department, at the rate stated in that Section for self-assessing purchasers, rather than paying the tax to such purchaser's delivering supplier. A purchaser may not elect to register to be a self-assessing purchaser for accounts where that purchaser's delivering supplier is a municipal system or electric cooperative, as defined in Article XVII of the Public Utilities Act.

b) Revocation and renewal of election

- 1) The election by a purchaser to register as a self-assessing purchaser may not be revoked by the purchaser for at least 2 years thereafter. A purchaser who revokes his or her registration as a self-assessing purchaser shall not thereafter be permitted to register as a self-assessing purchaser within the succeeding 2 years. A self-assessing purchaser shall renew his or her registration every 2 years or the registration shall be deemed to be revoked.

- 2) The Department may deny a certificate of registration to any applicant if the owner, any partner, any manager or member of a limited liability company, or a corporate officer of the applicant, is or has been the owner, a partner, a manager or member of a limited liability company, or a corporate officer, of another self-assessing purchaser that is in default for moneys due under the Electricity Excise Tax Law. [35 ILCS 640/2-10]

- 3) The Department may refuse to issue or, after notice and an opportunity for a hearing, to revoke a certificate of registration, permit or license issued or authorized to be issued by the Department, if the applicant for or holder of such certificate of registration, permit or license fails to file a return, or to pay the tax, fee, penalty or interest shown in a

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filed return, or to pay any final assessment of tax, fee, penalty or interest, as required by the tax or fee Act under which such certificate of registration, permit or license is required or any other tax or fee Act administered by the Department. [20 ILCS 2505/39b47]

c) Certificate of registration

- 1) Application for a certificate of registration as a self-assessing purchaser shall be made to the Department 30 days prior to the date the applicant wants to start self-assessing its tax liability and shall include a non-refundable biennial fee of \$200.
- 2) The applicant must complete a worksheet disclosing for each delivering supplier the identity of the delivering supplier, the address of the delivering supplier, and the account numbers for which it wants to become a self-assessing purchaser.
- 3) Since the Department will forward a copy of the worksheet to each delivering supplier listed thereon, an applicant with multiple delivering suppliers may fill out one worksheet per delivering supplier if it chooses not to disclose the identity of each delivering supplier to the other delivering suppliers.
- 4) Upon receipt of the application for certificate of registration in proper form and payment of the non-refundable biennial fee, the Department shall issue to the applicant a certificate of registration that permits the person to whom it was issued to pay the tax incurred under the Law directly to the Department for a period of 2 years. The Department shall notify the delivering suppliers listed by the applicant on the worksheet that the applicant has been registered as a self-assessing purchaser for the accounts listed on the worksheet by the self-assessing purchaser.

- 5) A certificate of registration under this Section shall be renewed upon application and payment of a non-refundable biennial \$200 fee, subject to revocation as provided by the Electricity Excise Tax Law, for additional 2-year periods from the date of its expiration unless otherwise notified by the Department. [35 ILCS 640/2-10]

d) Protest

Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of such decision, protest and request a hearing, whereupon the Department shall give notice to such person of the time and place fixed for such hearing and shall hold a hearing in conformity with the provisions of this Law and then issue its final administrative decision in the matter to such person. In the absence of such a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given. [35 ILCS 640/2-10]

STATE BOARD OF EDUCATION
NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3) Section Numbers: Proposed Action:
650.30 Amendment
650.40 Amendment
650.60 Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
February 13, 1998 22 Ill. Reg. 3252
- 5) Reason for the Withdrawal: After these proposed amendments were published, the agency determined that a more comprehensive approach involving some reorganization of material would better reflect all the changes brought about by enactment of P.A. 90-548. A new set of proposed amendments was published on April 3, 1998 (see 22 Ill. Reg. 6005). Consequently, the earlier proposal is being withdrawn.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

JULY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Department Purchasing Procedures; 44 Ill. Adm. Code 760

1) Rulemaking:

- A) Description: The Department intends to repeal this Part because the Illinois Procurement Code addresses the subject matter of these regulations.
- B) Statutory Authority: Implementing and authorized by the Illinois Procurement Code (30 ILCS 500/1-5).
- C) Scheduled meeting/hearing dates: None scheduled at this time.
- D) Date agency anticipates First Notice: September 15, 1998.
- E) Affect on small businesses, small municipalities or not for profit corporations: No anticipated effect.

F) Agency contact person for information:

Name: David T. Rothal
Address: Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
Telephone: 312-814-6242
T.D.D.: 312-263-1579

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading of Code Citation): Housing Discrimination; 71 Ill. Adm. Code 2520.

1) Rulemaking:

- A) Description: These amendments will clarify the exemption provided in Section 3-106(I) of the Act. [775 ILCS 5/3-106(I)].
- B) Statutory Authority: Implementing Section 2-105 authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 2-105 and 7-101(A)].
- C) Scheduled meetings/hearing date: None scheduled at this time.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

JULY 1998 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: October 15, 1998.

- E) Affect on small businesses, small municipalities or not for profit corporations: All public contractors and eligible bidders are subject to the Illinois Human Rights Act and its regulation on public contracts.

- F) Information concerning the regulatory agenda shall be directed to:

Name: David T. Rothal
Address: Illinois Department of Human Rights
100 W. Randolph Street
Suite 10-100
Chicago, IL 60601
Telephone: 312/814-6242
T.D.D.: 312/263-1579

- G) Related rulemaking and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES
REGULATORY AGENDA - JULY 1998

a) Part(s) (Heading and Code Citation): Off-Highway Vehicle Trails Grant Program; 17 Ill. Adm. Code 3045

1) Rulemaking:

A) Description: This new administrative rule will establish the regulations for providing financial aid to government agencies, not-for-profit organizations and other eligible groups or individuals to operate, maintain, and acquire land for off-highway vehicle parks that are open and accessible to the public in Illinois.

B) Statutory Authority: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [P.A. 90-287]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 1998

E) Affect on small businesses, small municipalities or not for profit corporations: This is a grant program which will provide financial aid to government agencies, not-for-profit organizations, and other eligible groups or individuals.

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Designation of Restricted Waters in the State of Illinois; 17 Ill. Adm. Code 2030

1) Rulemaking:

A) Description: This Part outlines the procedures for designation of restricted waters in the State of Illinois

B) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: July 1998

DEPARTMENT OF NATURAL RESOURCES
REGULATORY AGENDA - JULY 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Nuisance Wildlife Control Permits; 17 Ill. Adm. Code 525

1) Rulemaking:

A) Description: This Part has been established to govern the taking, possession, transport, and disposition of Protected Species as defined by Section 2.2 of the Wildlife Code [520 ILCS 5/2.2] which are causing damage to property or a risk to human health or safety and the issuance of Nuisance Wildlife Control Permits. Drainage Districts and recipients of Nuisance Animal Removal Permits are exempt from the provisions of this Part.

B) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice:

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Reservation of Permits - Outfitters; 17 Ill. Adm. Code 640

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

REGULATORY AGENDA - JULY 1998

A) Description: This new administrative rule outlines the procedures for outfitters. The Department is allowed to set aside a limited number of white-tailed deer and wild turkey hunting permits to be allocated specifically to Illinois outfitters. An outfitter is an individual or organization (e.g., corporation, company, etc.) that owns, leases and/or controls 1,000 acres or more of property in one or more counties (cannot include public property) for the purpose of providing deer and/or wild turkey hunting opportunities.

B) Statutory Authority: Implementing and authorized by Sections 2.11 and 2.26 of the Wildlife Code [520 ILCS 5/2.11 and 2.26].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 1998

E) Affect on small businesses, small municipalities or not for profit corporations: Only outfitters belonging to an approved organization and conforming to its standards will be allowed to participate in the special permit program. The number of permits available for this program will be limited and for each county will not exceed 20 percent of the permits remaining after the previous year's initial lottery. Thus, the Department will be unable to annually guarantee outfitter permits in all counties.

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys - Spring Season; 17 Ill. Adm. Code 710

1) Rulemaking:

A) Description: This Part provides regulations for the taking of wild turkey during the spring hunting season.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]

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REGULATORY AGENDA - JULY 1998

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: July 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Sport Fishing Regulations for the Water of Illinois; 17 Ill. Adm. Code 810

1) Rulemaking:

A) Description: This Part provides regulations for Sport Fishing

B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Commercial Fishing and Musseling in Certain Waters of the State; 17 Ill. Adm. Code 830

DEPARTMENT OF NATURAL RESOURCES

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1) Rulemaking:

A) Description: This Part establishes regulations for commercial fishing and musseling in certain waters of the State

B) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 1998

E) Affect on small businesses, small municipalities or not for profit corporations: These rules affect commercial fishermen and muselors licensed by the Department.

F) Agency contact person for information:

Name: Jack Price

Address: 524 S. Second Street

Springfield, IL 62701

Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): General Hunting and Trapping on Department-Owned and -Managed Sites; 17 Ill. Adm. Code 510

1) Rulemaking:

A) Description: This Part lists regulations for hunting and trapping on Department-owned and- managed sites

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a28].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 1998

E) Affect on small businesses, small municipalities or not for

DEPARTMENT OF NATURAL RESOURCES

REGULATORY AGENDA - JULY 1998

Profit corporations: None

F) Agency contact person for information:

Name: Jack Price

Address: 524 S. Second Street

Springfield, IL 62701

Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Scientific Permits; 17 Ill. Adm. Code 520

1) Rulemaking:

A) Description: This Part governs the taking and/or possession of Illinois Fauna for scientific purposes and the issuance of said permits for such activities.

B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-135, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-135, 20-100] and Sections 1.2, 1.3, 2.1, 2.4, 3.22, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.1, 2.4, 3.22 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 1998

E) Affect on small businesses, small municipalities or not for

Profit corporations: None

F) Agency contact person for information:

Name: Jack Price

Address: 524 S. Second Street

Springfield, IL 62701

Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation and Transportation of Game Mammals, Game Birds or Exotic Wildlife; 17 Ill. Adm. Code 630

1) Rulemaking:

A) Description: This Part pertains to propagation, release,

DEPARTMENT OF NATURAL RESOURCES

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importation, exportation or transportation of any game mammals, game birds, migratory birds or exotic wildlife species protected by or covered by the Wildlife Code of Illinois. Evidence must be provided to the Department upon request that such animals have been inspected and certified disease free by a qualified person approved by the Director of the Department.

- B) Statutory Authority: Implementing and authorized by sections 1.10, 3.23, 3.25, 3.27, 3.34, and 3.36 of The Wildlife Code (Ill. Rev. Stat., 1983, Ch. 61, paragraphs 1.10, 3.23, 3.25, 3.27, 3.34, and 3.36).

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: September 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses may be affected by this rulemaking.

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

- k) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Firearms; 17 Ill. Adm. Code 650

1) Rulemaking:

- A) Description: The regulations for white- tailed deer hunting by use of firearms are contained in this Part

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: September 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

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REGULATORY AGENDA - JULY 1998

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

- l) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles; 17 Ill. Adm. Code 660

1) Rulemaking:

- A) Description: The regulations for white- tailed deer hunting by use of muzzleloading rifles are contained in this Part

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: September 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Jack Price
Address: 524 S. Second Street
Springfield, IL 62701
Telephone: 217/782-1809

- G) Related Rulemakings and other pertinent information: None

- m) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow; 17 Ill. Adm. Code 670

1) Rulemaking:

- A) Description: The regulations for white- tailed deer hunting by use of bow and arrow are contained in this Part

- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

DEPARTMENT OF NATURAL RESOURCES

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- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: September 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809
- G) Related Rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): Field Trials on Department-Owned or -Managed Sites; 17 Ill. Adm. Code 910
- 1) Rulemaking:
- A) Description: The regulations for conducting field trials on Department-owned or -managed sites are contained in this Part
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: September 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809
- G) Related Rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): Field Trials on Non-Department-Owned or -Managed Sites; 17 Ill. Adm. Code 930
- 1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

REGULATORY AGENDA - JULY 1998

- A) Description: The regulations for conducting field trials on non-Department-owned or -managed sites are contained in this Part
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.30, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.30, 2.34, 3.1 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: September 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Name: Jack Price
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809
- G) Related Rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Public Museum Financial Support; 23 Ill. Adm. Code 3200
- 1) Rulemaking:
- A) Description: This Part is being amended to expand the Museum Grant Program.
- B) Statutory Authority: Implementing and authorized by Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: October 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Name: Stan Yonkausk
 Address: 524 S. Second Street
 Springfield, IL 62701
 Telephone: 217/782-1809

DEPARTMENT OF NATURAL RESOURCES

REGULATORY AGENDA - JULY 1998

- G) Related Rulemakings and other pertinent information: None
- q) Part(s) (Heading and Code Citation):The Illinois Explosives Act; 62 Ill. Adm. Code 200

1) Rulemaking:

A) Description: 62 Ill. Adm. Code 200 contains regulations implementing the Illinois Explosives Act, 225 ILCS 210, and applies to the storage, use, acquisition, possession, disposal and transfer of explosive materials. Various sections within Part 200 will be amended and reorganized for purposes of updating, clarifying, and addressing issues and situations which are not currently covered in the rules but need to be to ensure that explosive materials are handled and stored appropriately, safely and securely.

B) Statutory Authority: Implementing and authorized by the Illinois Explosives Act [225 ILCS 210].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Cindy Bushur-Hallam

Address: 524 S. Second Street

Springfield, IL 62701

Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Plugging and Restoration Contracts; 44 Ill. Adm. Code 610

1) Rulemaking:

A) Description: Amends Plugging and Restoration contract rules to implement recently enacted legislation which authorizes the disposition of certain oilfield equipment placed into the Department's Oil and Gas Well Site Plugging and Restoration Program by administrative order.

B) Statutory Authority: Implementing and authorized by Section 19.6 of the Illinois Oil and Gas Act [225 ILCS 725/19.6]

DEPARTMENT OF NATURAL RESOURCES

REGULATORY AGENDA - JULY 1998

- C) Scheduled meeting/hearing dates: August 1998
- D) Date agency anticipates First Notice: July 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Al Clayborne

Address: 524 S. Second Street

Springfield, IL 62701

Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citation):Illinois List of Endangered and Threatened Flora; 17 Ill. Adm. Code 1050

1) Rulemaking:

A) Description: The list in this Part is adopted by the Illinois Endangered Species Protection Boards as the Official List of Endangered and Threatened Flora of Illinois.

B) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price

Address: 524 S. Second Street

Springfield, IL 62701

Telephone: 217/782-1809

G) Related Rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 7, 1998 through July 13, 1998 and have been scheduled for review by the Committee at its July 21, 1998 or August 18, 1998 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

In last week's list of Second Notices Received, 7 hunting and trapping rulemakings by the Department of Natural Resources were posted to the August JCAR meeting agenda. Those 7 rulemakings have been changed to the 7/21/98 JCAR meeting.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/20/98	Department of Natural Resources, Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill Adm Code 110)	5/22/98 22 Ill Reg 8743	7/21/98
8/20/98	Department of Natural Resources, General Hunting and Trapping on Department-Owned or -Managed Sites (17 Ill Adm Code 510)	5/22/98 22 Ill Reg 8724	7/21/98
8/20/98	Department of Natural Resources, Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill Adm Code 530)	5/22/98 22 Ill Reg 8667	7/21/98
8/20/98	Department of Natural Resources, White-Tailed Deer Hunting Season by Use of Handguns (17 Ill Adm Code 680)	5/22/98 22 Ill Reg 8751	7/21/98
8/20/98	Department of Natural Resources, The Taking of Reptiles and Amphibians (17 Ill Adm Code 880)	5/22/98 22 Ill Reg 8747	7/21/98
8/21/98	Department of Natural Resources, Boat and Snowmobile Registration and Safety (17 Ill Adm Code 2010)	5/22/98 22 Ill Reg 8664	7/21/98
8/22/98	Department of Natural Resources, Open Space Lands Acquisition and Development Grant Program (17 Ill Adm Code 3025)	5/22/98 22 Ill Reg 8729	7/21/98

ILLINOIS DEPARTMENT OF NATURAL RESOURCES

NOTICE OF CORRECTIONS TO PROPOSED AMENDMENTS

- 1) Heading of the Part for which this rulemaking is being corrected: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3) Illinois Register Citation to Notice of Proposed Amendments: 22 Ill. Reg. 11301; July 6, 1998
- 4) Section being corrected: 240.860(e)(2)
- 5) Correction being made: Subsection 240.860(e)(2) should read "Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a) and (b) or with Department approval, disposed of in a production well equipped with tubing and packer set in accordance with Section 240.760(b) under observation by an inspector from the District Office in which the well is located. If the Department determines through field observations that the disposal activities are endangering the fresh water, the disposal activities shall cease until the condition is corrected. Disposal activities shall not exceed 45 days after which time the well must be plugged."

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/20/98	<u>Department of Financial Institutions, Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges (38 Ill Adm Code 130)</u>	4/3/98 22 Ill Reg 6019	8/18/98
8/20/98	<u>Department of Financial Institutions, Credit Union Act (38 Ill Adm Code 190)</u>	4/3/98 22 Ill Reg 6012	8/18/98
8/20/98	<u>Department of Insurance, Advertising and Sales Promotion of Life Insurance and Annuities (50 Ill Adm Code 909)</u>	5/1/98 22 Ill Reg 7439	8/18/98
8/26/98	<u>Department of Human Services, Provider Requirements, Type Services and Rates of Payment (89 Ill Adm Code 686)</u>	5/8/98 22 Ill Reg 7832	8/18/98
8/26/98	<u>Department of Human Services, Repeal of Case Management Services to Persons with AIDS (89 Ill Adm Code 716)</u>	5/8/98 22 Ill Reg 7820	8/18/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 7, 1998 through July 13, 1998 and have been scheduled for review by the Committee at its July 21, 1998 or August 18, 1998 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

In last week's list of Second Notices Received, 7 hunting and trapping rulemakings by the Department of Natural Resources were posted to the August JCAR meeting agenda. Those 7 rulemakings have been changed to the 7/21/98 JCAR meeting.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/20/98	<u>Department of Natural Resources, Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill Adm Code 110)</u>	5/22/98 22 Ill Reg 8743	7/21/98
8/20/98	<u>Department of Natural Resources, General Hunting and Trapping on Department-Owned or -Managed Sites (17 Ill Adm Code 510)</u>	5/22/98 22 Ill Reg 8724	7/21/98
8/20/98	<u>Department of Natural Resources, Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill Adm Code 530)</u>	5/22/98 22 Ill Reg 8667	7/21/98
8/20/98	<u>Department of Natural Resources, White-Tailed Deer Hunting Season by Use of Handguns (17 Ill Adm Code 680)</u>	5/22/98 22 Ill Reg 8751	7/21/98
8/20/98	<u>Department of Natural Resources, The Taking of Reptiles and Amphibians (17 Ill Adm Code 880)</u>	5/22/98 22 Ill Reg 8747	7/21/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

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8/21/98	Department of Natural Resources, Boat and Snowmobile Registration and Safety (17 Ill Adm Code 2010)	5/22/98 22 Ill Reg 8664	7/21/98	35-725-24 35-726-24 14-140-30 14-485-19 17-110-21 17-510-21 17-530-21 17-550-20 17-570-20 17-590-21 17-680-21 17-690-20 17-715-20 17-720-20 17-730-20 17-740-20 17-880-21 17-2010-21 17-3025-21 20-720-21 20-1235-18 23-1-23 23-25-29 23-56-23 23-145-19 23-260-29 23-575-23 26-201-19 26-202-19 26-204-19 26-216-19 35-211-18 35-252-25 35-276-30 35-304-24 35-310-18 35-355-29 35-506-24 35-580-17 35-703-24 35-720-24 35-721-24 35-722-24 35-723-24 35-724-24	77-330-30 77-340-30 77-350-30 77-390-30 77-661-20 77-1100-22 77-1110-22 77-2030-28 77-2058R-22 77-2090-28 80-150-20 80-302-19 80-310-18,29 80-1650-17,22,29 80-2800-28 83-410-26 83-411-26 83-418-17 83-450-26 83-595-27 83-745-26 86-100-17 86-500-18,19,20 86-530-18 86-670-18 86-680-18 86-3000-17,22 89-10-28 89-14-26 89-50-29 89-103-22 89-112-22,26,27,28 89-113-26,27 89-114-27 89-117-20,26 89-120-28 89-120-22,29 89-121-20,24,28,30 89-112-30 89-140-18 89-146-29 89-148-20,29 89-149-29 89-153-19,29 89-165-26 89-140-26
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